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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 (*e*) of the Charter of the United Nations. Information was transmitted by the administering Power on 23 January 2012. Further details are contained in previous working papers posted on the United Nations and decolonization website, www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Tokelau is a Non-Self-Governing Territory under the Charter administered by New Zealand.

Representative of administrative Power: Administrator Jonathan Kings.

Geography: Tokelau comprises three small atolls: Fakaofo, Nukunonu and Atafu. Each atoll comprises strips of land up to 200 m wide and not more than 5 m above sea level. Samoa, located 480 km to the south, is the nearest sizeable neighbour and the principal point of contact for Tokelau with the outside world.

Land area: 12.2 km^2.

Exclusive economic zone: 318,990 km^2.[a]

Population: 1,411 (October 2011 census). About 7,000 Tokelauans live in New Zealand. As New Zealand citizens, Tokelauans may also reside in Australia.

Ethnic composition: Tokelauans are Polynesians with linguistic, family and cultural links with Samoa.

Languages: Tokelauan. English and Samoan are also widely used.

Capital: None. Each atoll has its own administrative centre.

Head of the territorial Government: Ulu-o-Tokelau. The position rotates among the leader of each atoll on an annual basis.

Main political parties: None.

Elections: Held in January every third year. The next election is due in January 2014. Representation in the General Fono currently stands at Atafu (7 delegates), Nukunonu (6) and Fakaofo (7).

Legislature: The unicameral General Fono, a 20-member legislature.

Economy: The principal source of revenue is assistance provided by New Zealand. Additional revenue is generated by fisheries licence fees and sales of copra, postage stamps, souvenir coins and handicrafts.

Monetary unit: New Zealand dollar ($NZ).

Gross domestic product per capita: US$ 1,000 (2003 estimate).

History in brief: Originally inhabited by Polynesians from surrounding islands, Tokelau became a British protectorate in 1889 and in 1925 administration was transferred to New Zealand. By the Tokelau Act 1948, sovereignty over Tokelau was transferred to New Zealand.

[a] Exclusive economic zone data from J. D. Bell, J. E. Johnson and A. J. Hobday, *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change* (Noumea, Secretariat of the Pacific Community, 2011). Available from www.spc.int/climate-change/fisheries/assessment/e-book.

I. Constitutional and political developments

A. Local self-governance

1. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5, A/AC.109/2002/6, A/AC.109/2003/10, A/AC.109/2004/8, A/AC.109/2005/3, A/AC.109/2006/10, A/AC.109/2007/11, A/AC.109/2008/1, A/AC.109/2009/2, A/AC.109/2010/3 and A/AC.109/2011/3), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body of Tokelau) to endorse a comprehensive report entitled "Modern house of Tokelau", which addressed the core issue that faced Tokelau in creating a constitutional framework that suited an atoll- or village-based self-governing community that respected traditional decision-making customs.

2. In accordance with the terms of the 1998 "Modern house of Tokelau" report, General Fono delegates are now elected on the basis of proportional village representation with delegates elected through universal village suffrage, rather than a system of equal village representation with delegates appointed by the respective Village Councils, as was previously the case. In 2004, further decisions were made on the method of appointment of the Chair of the General Fono and on the role and responsibilities of the six-person Council of Ongoing Government, which is the executive Government when the General Fono is not in session. The Council consists of three Faipule (representative of each village) and three Pulenuku (mayor of each village). The position of Ulu-o-Tokelau, or Head of Government, rotates annually among the three Faipule. The position was held in 2010 by the Faipule for Atafu and in 2011 by the Faipule of Fakaofo. In March 2012, the new Faipule for Atafu will take over as Ulu.

3. Since 2004, the three Village Councils have taken full responsibility for all village public services. That decision emanated from the Modern House of Tokelau approach, whereby the traditional Council of Elders on each atoll should serve as the foundation for any future governance structure. Under that arrangement, the three Village Councils would delegate authority to the General Fono for activities that needed to be handled at the national level (see A/AC.109/2005/3). The New Zealand official with principal responsibility for relations with Tokelau is the Administrator of Tokelau, who is based in Wellington and is appointed by the New Zealand Minister for Foreign Affairs. The Office of the Administrator has day-to-day responsibility for relations between New Zealand and Tokelau. The New Zealand Secretary of Foreign Affairs and Trade currently acts in this position. The remaining aspect of the Modern House project, known as Friends of Tokelau (i.e., keeping Tokelauan communities in New Zealand and other interested parties informed of developments), is handled by the Office of the Council of Ongoing Government of Tokelau and the Office of the Administrator in Wellington. The Office of the Administrator has been incorporated into a Special Relations Unit, which is responsible for New Zealand's relationship with Tokelau (as well as with Niue), and is staffed by officers of the Ministry of Foreign Affairs and Trade. A member of the Tokelau Public Service works in the Office of the Administrator.

B. Referendum process

4. In 2003, the General Fono took a formal decision, with the support of all three Village Councils, to "endorse self-government in free association with New Zealand as the choice to be actively explored with the New Zealand Government". In August 2005, the General Fono approved a draft constitution as the basis for the proposed act of self-determination, as well as the text of a draft treaty of free association between Tokelau and New Zealand. In November 2005, the New Zealand Cabinet gave its formal approval. The so-called "referendum package", consisting of the draft treaty and the draft constitution, was to form the basis for the referendum on self-determination. In line with a decision by the General Fono, an overall majority of two thirds of the valid votes cast was required for a change to the status of Tokelau.

5. The first referendum on self-determination was held sequentially in Apia and on the three atolls from 11 to 15 February 2006 (see A/AC.109/2006/20). The outcome of the referendum fell short of the required two-thirds majority, with 60 per cent of valid Tokelauan votes cast in favour of self-government in free association with New Zealand. The United Nations, which formally monitored the referendum, deemed the process credible and reflective of the will of the people of Tokelau. A representative of the Special Committee accompanied by a Political Affairs Officer of the Department of Political Affairs of the Secretariat also observed the referendum process.

6. In August 2006, the General Fono voted to hold a second referendum on Tokelauan self-determination in late 2007. The proposed constitution and the draft treaty, commonly referred to as the self-determination package, were to be the same and the legal threshold for acceptance of the proposal would remain at a two-thirds majority.

7. The second referendum was held from 20 to 24 October 2007. The result, with 64.4 per cent in favour, was again below the two-thirds threshold, thereby leaving the status of the Territory unchanged (see A/AC.109/2007/19). As with the first referendum, the United Nations formally monitored the voting, with representatives of the Special Committee on Decolonization and the Department of Political Affairs present as observers.

8. Following the results of the second referendum, the General Fono requested the Government of New Zealand to keep on the table the entire self-determination package (i.e., the draft treaty and draft constitution that had been agreed on and had served as the foundation for the previous ballots). The Council of Ongoing Government noted that Tokelau could in the future change the two-thirds majority threshold for the referendum, but should put in place measures to ensure that a threshold was supported by a clear majority in each village to guarantee unity. The Council of Ongoing Government also noted Tokelau's strong commitment to self-determination and its wish to have a constitution, albeit one that did not encompass the free association self-government provisions.

9. The outcomes of the referendums, neither of which reached the threshold of support set by Tokelau's General Fono for a change of status, have been acknowledged and accepted by New Zealand. As a follow-up to the 2007 referendum result, the then Prime Minister of New Zealand met with Tokelau's leaders in February 2008, to discuss the next steps in the New Zealand-Tokelau

relationship. It was agreed that a "pause" should be taken in Tokelau's self-determination efforts, and that in the meantime Tokelau would focus on meeting its basic needs.

II. Economic conditions

A. General economic overview

10. Tokelau faces major constraints on its economic growth, including such natural disadvantages as small size, isolation, wide spread of the atolls, lack of natural resources and natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power. With the continued assistance of New Zealand, the Council of Ongoing Government of Tokelau intends to maintain its focus on implementing various priority projects related to infrastructure, the delivery of core services and shipping, as well as on developing the villages, and to strengthening the General Fono, the Council of Ongoing Government of Tokelau and the Tokelau Public Service.

11. Tokelau has a unique combination of traditional and modern income resource streams. With Government funding, many villagers are paid regularly for various village duties ranging from construction and boat-loading to assistance to the General Fono and other public entities. Work is under way to implement a new fisheries policy to maximize the benefits received from Tokelau's most significant natural resource.

12. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the *inati* system and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposit at a central location of food and produce, which are then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that addresses the needs of every member of the community, including the elderly, widows, single parents and children.

13. At the end of 2011, Tokelau, in a joint decision with Samoa, changed its time zone westward across the international dateline in order to bring the territory closer in time to neighbouring countries. The time shift, which had been voted by the General Fono, is expected to facilitate trade relations and other contacts with New Zealand, Samoa and other neighbours.

B. The administering Power's assistance to Tokelau

14. In 2011, New Zealand and Tokelau signed a Joint Commitment for Development which sets out joint priorities for the following five years. The focus for development assistance remains securing a viable transport solution, developing a strong fisheries resource and improving health and education standards. Both Tokelau and New Zealand have reaffirmed their commitment to activities and projects that can be viably established and maintained.

15. Assistance is provided through budget support and through specific projects. In the 2011/12 financial year, US$ 18 million will be contributed as assistance to Tokelau. The Tokelau International Trust Fund, formally established in November 2004, is designed to provide intergenerational security and an independent source of income to Tokelau in the future. With contributions from Australia, New Zealand, Tokelau and the United Kingdom of Great Britain and Northern Ireland, the level of the Fund now stands at approximately $NZ 62 million.

16. In the second half of 2011, a long drought blamed on a La Niña weather pattern caused a water shortage on the atolls, prompting the Ulu of Tokelau to declare a national emergency. In a statement to the Fourth Committee of the General Assembly in October 2011, the representative of New Zealand described the work undertaken with the Territory and other partners to address the crisis, including a joint air and sea operation by New Zealand and the United States of America to provide water containers and desalinization equipment.

C. Transport and communications

17. Tokelau has no airstrips and its main transportation option is provided by regular passenger and cargo services between Apia and Tokelau, primarily on vessels under charter from Samoa Shipping Corporation Ltd. Additional charters by larger vessels are occasionally funded to meet Tokelau's transport needs. The United Nations mission that visited the Territory in August 2002 had concluded that the lack of transportation options was one of the greatest obstacles to economic and social development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls. Recognizing that the quality of the transport service linking Tokelau's atolls and providing contact with Samoa lies at the heart of its ongoing viability, New Zealand, as the administering Power, has committed to implementing a total transport solution that will meet Tokelau's transport needs.

18. The ongoing development of Tokelau's infrastructure and maintenance of existing facilities is a major facet of relations between Tokelau and New Zealand. Decisions on the prioritization of projects rest with the Government of Tokelau, both at the public service level and the Village Council level. Upgrading of schools and health centres is being accorded the highest priority on each atoll.

19. For more than a decade, large investments have been made to facilitate Tokelauan contacts, both inter-atoll and with the outside world. The Telecommunications Tokelau Corporation, a $NZ 4 million international telecommunication service, was established in 1997. A website (www.dot.tk) became operational in January 2002 and offers both free and paid domain names. The website is the result of a commercial licensing agreement between the Corporation and a private company, Taloha Inc. Pursuant to a request from the atolls, the Corporation began to install new equipment in the atolls in 2009 to boost telecommunication services in the villages and to assist in creating Internet-based long-distance education opportunities.

20. The radio stations inaugurated in 2002 are seen as an excellent means of maintaining the Territory's cultural heritage, as well as facilitating communication and transparency on community and decision-making matters, since they broadcast meetings of the Council of Elders on each atoll.

D. Power supply

21. Tokelau remains keenly committed to maximum reliance on renewable energy, for environmental and economic reasons, and is working to develop appropriate strategies. New Zealand and Tokelau have signed an arrangement which will allow for the installation of solar energy panels, enabling Tokelau to become almost entirely reliant on renewable energy. As a Pacific Island highly influenced by climate change, Tokelau sees its lead on renewable energy as an example to the developed world.

III. Social conditions

A. General

22. According to the United Nations Population Fund (UNFPA), because of its relatively high fertility, Tokelau's population remains young, with 35 per cent of the population under 15 years and a median age of 23. The proportion of the population aged 60 and over is 12 per cent. Ageing is clearly a trend in Tokelau. UNFPA considers that improvements in life expectancy and a further decline in fertility will ensure an increase in this proportion. It will be important to ensure that appropriate services are available to support the needs of the elderly. UNFPA figures for 2011 show the following age groups: 0-14 years (32.5 per cent); 15-59 years (55.2 per cent), and 60 and over (12.3 per cent). The median age is 23.2. According to *The State of Pacific Youth*, published in 2011 by the United Nations Children's Fund (UNICEF Pacific) and the Secretariat of the Pacific Community, Tokelau's adolescent birth rate is considered to be in the middle range compared with Australia, Japan and New Zealand.

23. On December 2011, Statistics New Zealand and the Tokelau Statistics Unit released the final outcome of the five-yearly population census held on 18 October 2011. Three population counts or concepts were used: the de jure usually resident population (used for distributing funds to the atolls); the usually resident population present in Tokelau on census night; and the census night population. The final results show a de jure population (comprising the usually resident population present in Tokelau on census night and the usually resident absentee subpopulation) of 1,411. This figure compares with the final 2006 Tokelau census population count of 1,466 people, representing a decrease of 3.8 per cent.

B. Education

24. Under Tokelau's compulsory education system, primary and secondary educations are available to everyone. As one of the owners of the University of the South Pacific, Tokelau has access to the University's educational telecommunication system through a satellite established in Atafu. In spite of significant funding for education over many years, education standards on the atolls remain relatively low. This is a key reason why significant numbers of families leave the atolls to seek improved educational opportunities for their children in New Zealand, Samoa and elsewhere. A major infrastructure renewal programme is continuing in Tokelau, which includes the provision of new schools in Atafu and Fakaofo. Efforts have also

been devoted to curriculum development, training of principals and senior staff and the extension of secondary schooling in 2009 to cover year 13. Tokelau is also working closely with the Secretariat of the Pacific Community to explore better Internet access.

C. Health care

25. The provision of adequate health services to the populations of three dispersed atolls connected to the wider world by sea transport remains a major challenge for Tokelau.

26. The major non-local sources of contributions to health care are the Government of New Zealand, WHO, UNICEF, UNFPA and the United Nations Development Programme (UNDP) as well as the Government of Australia and the Secretariat of the Pacific Community. The priorities of the national health plan are: (a) healthy islands and communities; (b) healthy lifestyles; (c) development of health partnerships; (d) development of accessible primary health-care services; (e) successful community participation; and (f) development and improvement of the health-service system.

27. Each of Tokelau's atolls has a basic health centre, staffed and equipped to deliver core medical care and related services. Considerable attention and funding are devoted to this core area of Tokelau's needs. As part of a major infrastructure renewal programme, the health centre on Nukunonu is being substantially improved.

28. The 2011 country health information profile from WHO states that while the overall health status is reasonably good, changes have been observed in the past 20 years. As in other areas in the Pacific, there has been an increase in non-communicable diseases, with cerebrovascular and cardiovascular diseases the leading causes of death. The mortality rate due to cardiovascular diseases was 17 per cent between 2007 and 2010. Tobacco and alcohol consumption are relatively high among the adult population and more prominent in males. Obesity is common and is attributed to diet and physical inactivity. There is an observable diet shift away from local towards imported foods.

IV. External relations

29. As set out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau as a Non-Self-Governing Territory has insufficient international legal personality to enter into formal international legal obligations as a State in its own right. New Zealand is responsible for entering into any such obligations on behalf of Tokelau, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation.

30. Tokelau is seeking to grow its engagement with regional and international organizations. Tokelau is a member of the Secretariat of the Pacific Community, the Pacific Community Coastal Fisheries Programme, the Council of the University of the South Pacific, the South Pacific Regional Environment Programme and the Pacific Islands Forum Fisheries Agency. It holds observer status with the Pacific Islands Forum. In October 2005, Tokelau was admitted as an associate member of

the Pacific Community Applied Geoscience Commission. Tokelau is also an associate member of WHO and of the United Nations Educational, Scientific and Cultural Organization and, in 2011, became an associate member of the Food and Agriculture Organization of the United Nations. In addition to its relationship with New Zealand, Samoa is an important bilateral contact for Tokelau. Tokelau attended the United Nations Climate Change Conference held in Durban, South Africa, in 2011 as part of the New Zealand delegation. At the Conference, the Head of the Territorial Government voiced his concerns over the impact of climate change on the Territory and the ongoing plans to rely completely on renewable energy by the end of 2012.

V. Future status of the Territory

A. Position of the territorial Government

31. Speaking at the 2011 Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism: goals and expected accomplishments, the representative of Tokelau said that the Territory enjoyed a high degree of autonomy and gratefully acknowledged the continued support of the Government of New Zealand. At the same time, he stressed the fact that autonomy was not the same as "being fully answerable to ourselves for our government", and that the aspirations of self-determination remained. However, for the time being, considerations of self-determination had to take second place to the more urgent infrastructure and development needs. There was an ongoing dialogue with New Zealand to ensure that the territory's needs were known. The Joint Commitment for Development between Tokelau and New Zealand 2011-2015 would focus on a viable transportation arrangement, infrastructure development, building human resources capacity and strengthening governance. Tokelau was also very grateful for the work of other organizations, particularly the United Nations. Finally, he emphasized that, despite the threat of climate change on the environment and food supply, the Territory, because of its political status, could not access the Global Environment Facility resources that support adaptation and mitigation efforts. The full text of the statement is available from www.un.org/en/decolonization/regsem2011.shtml.

B. Position of the administering Power

32. As the administering Power for Tokelau, New Zealand has continued to maintain and provide all appropriate support for Tokelau's efforts to determine the will of its people for a possible change of status. New Zealand is appreciative of the inevitable resource and capacity constraints of Tokelau as a small atoll-based community and envisages long-term support for Tokelau. Successive Administrators and representatives of New Zealand to the United Nations have placed on record before the Special Committee and the Special Political and Decolonization Committee (Fourth Committee) full information about New Zealand's support for Tokelau on this issue. This attitude towards the needs and aspirations of the people of Tokelau has been favourably acknowledged by those committees on many occasions.

33. Addressing the Special Committee on 24 June 2011, the representative of New Zealand noted that, at the current stage, the primary focus in the relationship was to provide quality services and living conditions for the people of Tokelau. On the basis of the 2008 commitment by New Zealand and Tokelau leaders, "an appreciable period of time" should elapse before any further act of self-determination was undertaken by Tokelau, and both parties in the relationship would devote their time, efforts and resources to address the core requirements of the population of the atolls.

34. Addressing the Fourth Committee on 10 October 2011, the representative of New Zealand stated that her country had to address the core requirements of the atoll populations before Tokelau would undertake any further act of self-determination. The vulnerability of Tokelau had been underlined by the five-month period without rain. She said that the Tokelau National Strategic Plan had formed the basis for a comprehensive planning process that had identified Tokelau's development priorities for the coming four years. Over the past year, progress had been made on the construction of two new schools and a hospital, and on improving the transfer of passengers and goods between ships and the shore, among other things. Health and education, however, were ongoing challenges. The relationship between Tokelau and New Zealand was both strong and positive. Her country would remain respectful of the wishes of the people of Tokelau and receptive to advice from its leaders on how best to further develop the partnership.

C. Consideration of the question by the Special Political and Decolonization Committee (Fourth Committee)

35. Speaking before the Fourth Committee on 6 October 2011, the representative of Papua New Guinea stated that having decided to turn their attention to the Territory's economic and social development, with the cooperation of the administering Power, New Zealand, all that remained for the people of Tokelau was to determine their future political status. The focus now was on fully implementing the Joint Commitment for Development between Tokelau and New Zealand, which included developing transportation and infrastructure, fisheries, human resources and capacity and strengthening governance. UNDP had also provided valuable assistance. He noted that the decolonization process in Tokelau could serve as a model for other Non-Self-Governing Territories.

D. Action taken by the General Assembly

36. At its 81st plenary meeting, on 9 December 2011, the General Assembly adopted without a vote resolution 66/88 on the question of Tokelau.

37. Under the operative part of that resolution, the General Assembly:

1. *Notes* that Tokelau and New Zealand remain firmly committed to the ongoing development of Tokelau for the long-term benefit of the people of Tokelau, with particular emphasis on the further development of facilities on each atoll that meet their current requirements;

2. *Welcomes* the progress made towards the devolution of power to the three taupulega (village councils), in particular the delegation of the Administrator's powers to the three taupulega with effect from 1 July 2004 and

the assumption by each taupulega from that date of full responsibility for the management of all its public services;

3. *Recalls* the decision of the General Fono in November 2003, following extensive consultations in all three villages and a meeting of the Special Committee on the Constitution of Tokelau, to explore formally with New Zealand the option of self-government in free association, and the discussions subsequently held between Tokelau and New Zealand pursuant to the decision of the General Fono;

4. *Also recalls* the decision of the General Fono in August 2005 to hold a referendum on self-government on the basis of a draft constitution for Tokelau and a draft treaty of free association with New Zealand, and notes the enactment by the General Fono of rules for the referendum;

5. *Further recalls* that two referendums to determine the status of Tokelau, held in February 2006 and October 2007, did not produce the two-thirds majority of the valid votes cast required by the General Fono to change Tokelau's status from that of a Non-Self-Governing Territory under the administration of New Zealand;

6. *Commends* the professional and transparent conduct of both the February 2006 and the October 2007 referendums, monitored by the United Nations;

7. *Acknowledges* the decision of the General Fono that consideration of any future act of self-determination by Tokelau will be deferred and that New Zealand and Tokelau will devote renewed effort and attention to ensuring that essential services and infrastructure on the atolls of Tokelau are enhanced and strengthened, thereby ensuring an enhanced quality of life for the people of Tokelau;

8. *Also acknowledges* Tokelau's adoption of its National Strategic Plan for 2010-2015 and the fact that the Joint Commitment for Development between Tokelau and New Zealand 2011-2015 will focus on a viable transportation arrangement, infrastructure development, fisheries development, human resources capacity and the strengthening of governance;

9. *Further acknowledges* the ongoing and consistent commitment of New Zealand to meeting the social and economic requirements of the people of Tokelau, as well as the support and cooperation of the United Nations Development Programme;

10. *Acknowledges* Tokelau's need for continued support from the international community;

11. *Recalls with satisfaction* the establishment and operation of the Tokelau International Trust Fund to support the ongoing needs of Tokelau, and calls upon Member States and international and regional agencies to contribute to the Fund and thereby lend practical support to Tokelau in overcoming the problems of smallness, isolation and lack of resources;

12. *Welcomes* the cooperative attitude of the other States and territories in the region towards Tokelau, and their support for its economic and political aspirations and its increasing participation in regional and international affairs;

13. *Calls upon* the administering Power and United Nations agencies to continue to provide assistance to Tokelau as it further develops;

14. *Welcomes* the actions taken by the administering Power to transmit information regarding the political, economic and social situation of Tokelau to the Secretary-General;

15. *Also welcomes* the commitment of both Tokelau and New Zealand to continue to work together in the interests of Tokelau and its people;

16. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its sixty-seventh session.

38. At the same meeting, the General Assembly also adopted resolution 66/91 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 6 of which refers to Tokelau.

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Anguilla

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 11 January 2012. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Anguilla is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of the administering Power: Governor Alistair Harrison (2009-2013).

Geography: The Territory lies 240 km east of Puerto Rico, 113 km north-west of Saint Kitts and Nevis and 8 km north of Sint Maarten/Saint Martin. It has a relatively flat topography, with a few rolling hills rising to 213 ft.

Land area: 96 km^2. The main island has a maximum length of 26 km and a maximum width of 5 km.

Exclusive economic zone: 92,178 km^2.[a]

Population: 14,200 (2010 estimate).

Languages: 99 per cent of the population speaks English. Spanish and Chinese are also spoken.

Capital: The Valley.

Head of the territorial Government: Chief Minister Hubert B. Hughes.

Elections: The most recent elections were held in February 2010; the next elections are due in March 2015.

Main political parties: Anguilla United Front; Anguilla United Movement; Anguilla National Strategic Alliance; Anguilla Democratic Party.

Legislature: House of Assembly.

Gross domestic product per capita: US$ 8,800 (2009 estimate).

Economy: Tourism, financial services and remittances.

Main trading partners: United States of America and member countries of the Caribbean Community.

Unemployment rate: 8 per cent (2010 estimate).

Monetary unit: East Caribbean dollar, pegged to the United States dollar at about EC$ 2.70.

Brief history: Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650 and was periodically associated with Saint Kitts and Nevis, as well as with various regional structures. In 1980, the Territory became a dependency of the United Kingdom.

[a] Data from the Sea around Us project, a collaboration between the University of British Columbia and the Pew Environment Group (www.seaaroundus.org).

I. Constitutional, legal and political issues

1. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of a Governor, an Executive Council and a House of Assembly. The Governor, appointed by the British Crown, is responsible for defence, external affairs, internal security (including the police and prison services), international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult with and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.

2. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chair of the Council. The House of Assembly is elected for five-year terms and comprises a Speaker, not less than seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members appointed by the Governor, one upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate.

3. General elections held in Anguilla on 15 February 2010 resulted in a change of government from the Anguilla United Front, an alliance of the Anguilla Democratic Party and the Anguilla National Alliance, to the Anguilla United Movement under Hubert B. Hughes.

4. The law of Anguilla is the common law of the United Kingdom of Great Britain and Northern Ireland, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and the local legislation enacted since. The law is administered by the Eastern Caribbean Supreme Court, an itinerant Court based in Saint Lucia, which comprises a Court of Appeal and a High Court of Justice, courts of summary jurisdiction and a magistrates court. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British Overseas Territory citizens.

5. Discussions with the United Kingdom on a new draft constitution were expected to begin in 2010, amid tension between the Governor and the new territorial Government over budgetary and economic matters. The tension continued in 2011 and included acts of "civil disobedience" spearheaded by the Chief Minister. Meanwhile, according to the United Kingdom, in 2011 Anguilla again set up a team to draft a new constitution. The team is headed by H. Clifton Niles, a retired Methodist minister.

6. According to media reports, calls for independence made in 2011, including by the Chief Minister, have not gained much traction. Nevertheless, when the Anguilla National Youth Council conducted a live broadcast of an Independence for Anguilla Forum in midyear, panellists reportedly agreed that political independence should be pursued for Anguilla as the next step in its constitutional advancement.

II. Budget

7. The 2011 budget was taken to the House of Assembly in December 2010 for approval, and approval was granted in April 2011. According to the United Kingdom, recurrent expenditure amounted to EC$ 188 million, and capital expenditure was EC$ 23 million. Reserves at the end of 2010 stood at EC$ 2 million. Recurrent revenue was estimated to be EC$ 177 million.

8. In April 2011, the Governor announced his approval of legislation introducing the interim stabilization levy, as well as amendments to the customs surcharge and the petroleum levy passed earlier by the House of Assembly. The Governor further indicated that the three measures constituted the new measures necessary to implement the budget settlement for 2011. Protracted negotiations on the 2012 budget took place between the administering Power and the Territory and resulted in the use of a provisional budget based on 2011 costing.

9. In Anguilla there are no income, estate, capital gains, corporation, value added or goods and services taxes. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves.

10. From 19 to 29 July 2011, an International Monetary Fund (IMF) staff team visited Anguilla to engage in the first formal bilateral dialogue between IMF and the Territory, at the invitation of the Chief Minister and the Finance Minister and building on the annual discussions on common policies of the Eastern Caribbean Currency Union member countries. The IMF team found that a new fiscal framework could achieve a better balance between current and capital spending that would be in line with available resources and build buffers in good times. Comprehensive tax reform aimed at improving the efficiency and equity of the tax system and simplifying the tariff structure was being planned. Reversal of some of the increases in the Government wage bill, which had doubled during the boom years, was seen as unavoidable.

III. Economic conditions

A. General

11. According to the United Kingdom, the Territory's gross domestic product (GDP) in 2010 amounted to approximately EC$ 576 million, representing a decline of some 5.6 per cent over the previous year. The largest contributor to GDP in 2010 was the hotel and restaurant industry sector (approximately 24 per cent of GDP). In 2008 the construction sector was the largest contributor to GDP, but the global financial crisis and the attendant recession saw the construction industry fall by 24 per cent in 2010. By the end of 2010, the public sector was the biggest employer on the island, with the private sector underperforming. According to the findings of the IMF mission, the growth outlook was cautious, given low capital spending and the recent closure of a boutique hotel and a call centre.

12. The main industries in Anguilla are tourism, offshore incorporation and management, and banking. Tourism is the main source of economic growth.

Anguilla's economy is highly vulnerable to downturns in the global economy, high international oil prices and unfavourable weather conditions.

B. Tourism

13. According to the United Kingdom, a tourism master plan study completed in 2011 recommended a medium growth rate scenario, in which the tourism sector was projected to increase by about 7.5 per cent yearly over the next decade. The recommended level of growth was endorsed by the Executive Council, which also approved the implementation of various strategies and programmes to achieve this objective. The Ministry of Finance, Economic Development, Investment, Commerce and Tourism is responsible for implementing the tourism master plan, while the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

14. According to the 2011 IMF mission, Anguilla's small size magnified the boom-bust cycle associated with the global crisis, as it recently benefited from two major tourism projects that later ran into difficulties. Both projects appeared to be getting back on track, and the high-end tourism sector remained resilient.

C. Financial services

15. Anguilla has a small international finance sector, specializing in insurance, mutual funds, and trust and company registration, for whose regulation the United Kingdom is directly responsible. According to the report issued in December 2011 by the Education International Research Institute on behalf of the Council of Global Unions entitled "Global corporate taxation and resources for quality public services", foreign corporations pay licence fees to operate in Anguilla.

16. Anguilla's Financial Services Commission, established in 2004, is an independent regulatory body that focuses on licensing, supervision of licences, general monitoring of financial services, reviewing existing legislation on financial services and making recommendations for new legislation, as well as maintaining contact with foreign and international regulatory authorities.

17. The 2011 IMF mission welcomed the Commission's efforts to enhance non-bank supervision, particularly in the light of the failure of two regional insurance companies, and to intensify coordination with the Eastern Caribbean Central Bank and other regional regulators. The offshore financial sector offered some potential to diversify the economy, but the balance between the potential economic benefits and the regulatory costs and reputational risks needed to be weighed carefully.

18. In 2011, the Organization for Economic Cooperation and Development Global Forum on Transparency and Exchange of Information for Tax Purposes published a peer review report on Anguilla. The Global Forum review indicated that Anguilla had a strong anti-money-laundering regime and had clear requirements for ordinary companies, international business companies, partnerships and foundations to maintain ownership and identity information. The assessment team determined that, of 10 essential elements tested in accordance with the Global Forum's terms of

reference for peer reviews, only 1, relating to accounting records, was found not to be in place.

19. According to the territorial Government, Anguilla remained committed to meeting international standards on transparency and the exchange of information and recognized that its commitment was essential to its success as a financial services centre.

D. Agriculture and fisheries

20. Agricultural activity in Anguilla is limited, owing to a combination of poor soil and irregular rainfall. Nevertheless, agriculture continues to play a part in the livelihood of the local population.

21. The territorial Government estimated the total fish catch in 2010 to be about 461 tons, valued at approximately EC$ 15.1 million, slightly less than in 2009, when the estimated catch was 493 tons, valued at EC$ 17 million.

22. In 2011, the Ministry of Home Affairs, Natural Resources, Lands and Physical Planning, through the Department of Fisheries and Marine Resources, renewed its efforts to facilitate the formation of a national fishers association as a first step in the establishment of a fisher cooperative. Fishing is regarded as being a significant contributor to the livelihoods of many Anguillans and as having the potential to contribute much more to the development of the Territory.

23. According to media reports, Anguilla's near shore marine habitats and fish stocks are facing threats from both human-based and natural stressors. This has, in turn, led to a decline in marine ecosystem health and integrity. In 2011, the Department of Fisheries and Marine Resources, with support from the Department for International Development of the United Kingdom, sought to improve its fisheries enforcement and management capabilities through theoretical and practical skills and knowledge-based development. To that end, training workshops in fisheries management and law enforcement were conducted.

E. Infrastructure

24. According to the United Kingdom, infrastructure development has been minimal as a result of the economic downturn during the past few years, and 2010 was a particularly difficult year for development in the Territory. According to the territorial Government, in 2010 approximately EC$ 0.8 million was spent on the maintenance of roads throughout the island. Anguilla has approximately 175 km of public roads, 80 per cent of which are paved.

25. The Anguilla Air and Sea Ports Authority, a semi-autonomous self-sustaining entity, manages the operations of the airports and seaports on a commercial basis. Wallblake Airport was renamed Clayton J. Lloyd International Airport on 4 July 2010 after the island's first pilot and the first person on Anguilla to own an aeroplane. Situated on the outskirts of The Valley, it is the only airport on the island and serves both commercial and private aircraft, including a fixed-base operator facility. There are flights to and from the international airports of Antigua, Sint Maarten, Puerto Rico and the United States Virgin Islands. The 2011 IMF mission noted the need to improve access to the island by air and by sea.

F. Transportation, communications and utilities

26. Taxis are the only form of public transport in Anguilla, but car rental is widely available. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to Sint Maarten/Saint Martin, and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

27. The territorial Government's energy policy, inter alia, aims to reduce dependence on fossil fuels for power generation and transportation, to use locally available renewable resources, such as wind and solar power, to the greatest extent possible and to support and advance a local skill base for the power generation sector. In that context, according to the United Kingdom, the Anguilla Electricity Company continues to work in partnership with the territorial Government on renewable energy initiatives.

IV. Social conditions

A. General

28. As previously reported, the Anguilla Country Poverty Assessment project published in 2010 found that no one in the population was reported to be extremely poor or indigent. Anguilla has a social security scheme, which is overseen by the Anguilla Social Security Board.

29. With respect to children and families in Anguilla, the United Nations Children's Fund provided general background information in its 2011 report on the Eastern Caribbean multi-country programme.

B. Education

30. According to the United Kingdom, the Education Department has literacy development as its top priority for the period from 2010 to 2015. The adult literacy rate is currently unknown. Hence, there is a strong desire to conduct a literacy survey. Education in Anguilla is free and compulsory between the ages of 5 and 17 years (for further details, see A/AC.109/2011/2).

31. The Professional Development Unit of the Education Department and the Open Campus of the University of the West Indies provide tertiary education in Anguilla, offering primary and secondary teacher training and basic skills training programmes. The Open Campus offers a range of distance education programmes to students in the Territory, based on the system used by the University of the West Indies. The Anguilla Community College was established in March 2009 in response to the Territory's increasing shortage of skilled personnel in the critically important sectors of hospitality and construction.

C. Public health

32. The Health Authority of Anguilla is responsible for all primary, secondary and personal health-care services. The Ministry of Social Development regulates and

monitors the public and private health sectors, including the Health Authority, and carries out policymaking and regulatory functions in relation to the health service. The territorial Government's health priorities, set out in the strategic plan for health covering the period from 2009 to 2014, include the strengthening of primary and secondary health-care services and of the Ministry's regulatory function and the development of health information systems, as well as a strong focus on chronic non-communicable diseases and mental health. According to the United Kingdom, the 2011 budget included a provision of EC$ 16.8 million for the Health Authority.

33. There are three health centres in the Territory, one for each district, as well as one hospital, the Princess Alexandra Hospital. Cases requiring major surgery are usually evacuated to a neighbouring island.

D. Crime and public safety

34. According to the United Kingdom, the crime rate in Anguilla continued to be low when compared with regional and international figures. Crimes against property continued to be a priority issue for the Royal Anguilla Police Force, with burglary, theft and armed robbery being the main offences.

35. According to the United Kingdom, the Financial Intelligence Unit functions as Anguilla's money-laundering reporting authority, and the Financial Crime Investigation Unit carries out a wide variety of financial crime investigations, including on all money-laundering and civil recovery cases.

36. With regard to security matters, the administering Power decided in 2011 to deploy a specially equipped Royal Fleet Auxiliary to support disaster relief and counter-narcotics efforts in the British Overseas Territories in the Caribbean, so as to implement decisions emerging from its recent strategic defence and security review.

E. Human rights

37. Anguilla's Constitution provides that every person in Anguilla is entitled to life, liberty, security of person, the enjoyment of property, protection of the law, freedom of conscience, expression and peaceful assembly and association, and respect for his or her private and family life. Where there are limits to those rights, they are designed to ensure that an individual's enjoyment of them does not prejudice the rights and freedoms of others or the public interest.

38. The Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination have been extended to Anguilla. The European Convention on Human Rights also applies to Anguilla, and individuals have the right to bring cases to the European Court of Human Rights where no other remedy exists in the Territory.

V. Environment

39. The Department of the Environment, the Agriculture Department, the Department of Fisheries and Marine Resources and the Anguilla National Trust are the principal entities dealing with environmental issues. In 2010, the territorial Government agreed to work with Government departments of the United Kingdom to manage the natural environment and the impact of climate change on the Territory, a process which is ongoing.

40. In 2011, according to a press release from the territorial Government, the Caribbean Catastrophic Risk Insurance Facility funded a number of risk-reduction, recovery and mitigation programmes, including the purchase of backup generators; the construction of a fire station; improvements to the national disaster management infrastructure with the construction of a storage unit and temporary operational space for the emergency operations centre; the purchase of equipment for and commissioning of a number of weather stations; and the purchase of a trailer to transport livestock from flood-prone areas during the passage of severe weather systems.

41. Furthermore, according to media reports, Anguilla's hazard emergency systems are being upgraded as part of the Regional Risk-Reduction Initiative of the United Nations Development Programme to enable Anguilla to use the Common Alerting Protocol, which is the international standard for alerting systems.

42. The Department for Environment, Food and Rural Affairs of the United Kingdom in January 2012 issued a paper entitled "The environment in the United Kingdom's Overseas Territories: UK Government and civil society support", on the advice and support available to the Territories in its areas of competence, and highlighted the availability of departmental funds for that purpose.

VI. Relations with international organizations and partners

43. Anguilla is a member of the Eastern Caribbean Central Bank and the Caribbean Development Bank. Since 1998, the Territory has been an associate member of the Economic Commission for Latin America and the Caribbean. Anguilla also participates in the work of the Organization of Eastern Caribbean States and the Caribbean Community as an associate member. It is a member of the Caribbean Financial Action Task Force, which is dedicated to combating money-laundering in the Caribbean basin.

44. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. According to the United Kingdom, the Territory has yet to establish a relationship with the European Union in the context of the European Union Economic Partnership Agreement.

45. The territorial Government cooperates directly with Caribbean Governments and participates in regional projects of various international organizations and agencies, including the Pan American Health Organization.

VII. Future status of the Territory

A. Position of the territorial Government

46. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in section I above.

B. Position of the administering Power

47. On 3 October 2011, the representative of the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-sixth session of the General Assembly. According to the record of the meeting (A/C.4/66/SR.2), the representative said that the relationship of the United Kingdom with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wished to remain linked to the United Kingdom or not. Where independence was an option and was the clear and constitutionally expressed wish of the people of a Territory, his Government would help that Territory to achieve it. Where a Territory wished to retain its link to the United Kingdom, his Government would remain committed to its future development and continued security.

48. The speaker went on to say that the Secretary of State for Foreign and Commonwealth Affairs had recently announced the Government's new strategy with respect to the Overseas Territories. The time was not right to embark on further constitutional change. Rather, his Government was focusing on three practical policy goals: to strengthen interaction between the United Kingdom and its Territories; to work with the Territories in strengthening good governance, public financial management and economic planning where necessary; and to improve the support available to the Territories. The implementation of the new strategy would take different forms in each Territory, and a public consultation exercise had been launched in order to encourage the Territories and other stakeholders to make their views on priorities known. The outcome of the exercise would inform the white paper on the Territories that the Government intended to publish in 2012. The Government was committed to allowing each Territory to run its own affairs as far as possible, which entailed responsibilities and good governance on the part of the Territory. The speaker further stressed that where high standards of probity and governance were not maintained, the United Kingdom did not hesitate to intervene.

C. Action taken by the General Assembly

49. On 9 December 2011, the General Assembly adopted resolution 66/89 A and B on the basis of the report of the Special Committee (A/66/23) and the subsequent recommendation of the Fourth Committee. Section II of resolution 66/89 B concerns Anguilla, the operative part of which reads:

The General Assembly . . .

1. *Once again welcomes* the presentation of a new constitution for public consultation in 2009 with the aim of further discussing the new

constitution with the administering Power in 2010, and urges that constitutional discussions be concluded as soon as possible;

2. *Requests* the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

3. *Stresses* the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, calls upon the administering Power to facilitate such a mission, if the territorial Government so desires, and requests the Chair of the Special Committee to take all the necessary steps to that end;

4. *Requests* the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

5. *Calls upon* the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including budgetary matters, with regional support as needed and appropriate;

6. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Pitcairn

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 11 January 2012. Further details are contained in previous working papers posted on the United Nations website, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Pitcairn is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of the administering Power: High Commissioner: Vicki Treadell.

Geography: Pitcairn is located midway between Australia and the continent of South America at 25°S and 130°W. It comprises four islands: Pitcairn (the only inhabited island), Henderson, Ducie and Oeno. The terrain is of rugged volcanic formation, with a rocky coastline and cliffs lining nearly the entire perimeter of the island, allowing no easy access from the sea. Although canoes can be launched in many places, Bounty Bay and the Tedside landing are the only two places on the Island offering a reasonably safe landing.

Land area: 35.5 sq km, while that of Pitcairn itself is 4.35 sq km.

Exclusive economic zone: 800,000 sq km.[a]

Population: 51 (2008).

Languages: The official languages are English and Pitkern, a mixture of eighteenth-century English and Tahitian.

Capital: Adamstown, the only settlement.

Head of the territorial Government: Vicki Treadell.

Mayor: Mike Warren.

Main political parties: None.

Elections: Elections of the Council are held every two years; elections for the Mayor, the head of the Council, are held every three years.

Economy: The economy of Pitcairn is largely based on fishing, horticulture, the sale of handicrafts, beekeeping and honey production. Pitcairn receives budgetary aid from the United Kingdom.

Monetary unit: New Zealand dollar ($NZ).

History in brief: Pitcairn (named after Robert Pitcairn, a British midshipman who sighted it in 1767) was uninhabited when castaways from *HMS Bounty* (9 mutineers and 18 Polynesians) arrived there in 1790. The majority of the inhabitants of Pitcairn today can trace their ancestry back to those mutineers.

[a] Exclusive economic zone data from Johann D. Bell, Johanna E. Johnson and Alistair J. Hobday, eds., *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change* (Auckland, New Zealand: Secretariat of the Pacific Community, 2011). Available from www.spc.int/climate-change/fisheries/assessment/e-book.

I. Constitutional, legal and political issues

1. A new Constitution came into effect in March 2010, replacing the Pitcairn Order 1970 and Royal Instructions. It set out for the first time rights and freedoms of the individual, provided for an Attorney General and established the authority of the Island Council, updated the role of the Governor and brought the judicial system into the Constitution. The British Overseas Territories Act 2002 provides for the grant of British citizenship to "British overseas territory citizens". The Governor is appointed by the British crown, acting on the advice of the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, to whom she is accountable. In practice, the High Commissioner of the United Kingdom of Great Britain and Northern Ireland to New Zealand is appointed concurrently as Governor of Pitcairn, and overall responsibility for the administration of the Island is accordingly vested in this function.

2. Under the Constitution, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject after consultation with the Island Council. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the British Monarch, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an Order in Council.

3. The Island community was also fully involved in consultations leading to the setting-up of a new governance structure on the Island in April 2009. This created four senior public sector posts (Division Managers) to boost local administrative capacity and introduced fair and transparent systems for government job selection and performance management. The process of devolving more functions and responsibilities to the Island is ongoing but will be a gradual one given limited human resources and appropriate skills in the tiny population. For the time being, some administrative functions will need to remain with the Pitcairn Islands Office in Auckland, New Zealand.

4. Pitcairn Islanders manage their internal affairs through the Island Council established by the Local Government Ordinance and enshrined in the Constitution. The Ordinance conferred upon the Council the duty, subject to orders and directions by the Governor, to provide for the enforcement of the laws of Pitcairn, and empowered it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the Islanders. Under the new government structure, the Island Council consists of seven voting members: the Island Mayor, who is elected every three years; the Deputy Mayor and five Councillors, who are elected every two years; and one nominated member, who is appointed by the Governor. The Governor and her representatives are non-voting ex officio members. During elections in December 2010, Mike Warren was elected as Mayor.

A. Electoral qualifications

5. In order to vote, persons must be at least 18 years old and, if not born on Pitcairn, must have been resident for three years (one year for spouses and two years for de facto partners). To stand for the Council, candidates must fulfil the same residence requirements but must be at least 21 years of age. For the posts of Mayor

and Deputy Mayor, the qualifying residence is 10 years and 5 years, respectively, and the minimum age is 25. The Island Secretary prepares the register of voters in October of each year, and elections are held on a day during the first two weeks in December.

B. Judicial system and human rights

6. An Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters outside the powers of the Island Magistrate. The jurisdiction of the Court is limited to offences triable summarily, committal proceedings and certain inquiries, together with civil litigation up to a prescribed level. There is a right of appeal from the Court to the Supreme Court of Pitcairn, which is a superior Court of record and has jurisdiction in criminal and civil cases outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge, the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal may be made to the Pitcairn Court of Appeal, comprising three judges, and to the Privy Council.

7. According to the United Kingdom, the Pitcairn Courts have jurisdiction in relation to human rights arising out of the laws in force in the Islands. The judiciary and the Governor have a corresponding jurisdiction to uphold and enforce human rights in the Islands.

8. Any violation of the civil or political rights of any person is justiciable by means of injunction and damages that may be awarded by the Supreme Court. That court has inherent power and jurisdiction to award compensatory damages and, in certain cases, punitive damages, as well as to give binding directions to secure the rehabilitation of such persons. In the circumstances of Pitcairn, the Governor, as holder of the highest executive office, and the Chief Justice, as head of the judiciary, are responsible within their respective spheres of authority for overseeing the implementation of human rights on Pitcairn.

9. The United Kingdom has further noted that the laws in force in the Territory, including those relating to human rights, are published by the Government of the United Kingdom and the Government of the Pitcairn Islands and are readily available to all on the Island through the Island Secretary's office. The Territory's reports to international bodies are prepared by the Government of the United Kingdom, drawing on information provided by the Governor and the Island administration.

10. With regard to the issue of self-government, in 2008, Ministers from the Foreign and Commonwealth Office and the Department for International Development of the United Kingdom held discussions on the future policy for Pitcairn and an internal joint development strategy paper was produced. According to the United Kingdom, both Departments are working closely to enable Pitcairn to reach self-sustainability. The United Kingdom Department for International Development and the Pitcairn Government are currently working on a five-year strategic development plan for the Island.

11. With regard to the European Convention on Human Rights, in a report issued in June 2008, the House of Commons Foreign Affairs Committee on the Overseas

Territories quotes information provided by the Foreign and Commonwealth Office, through the Pitcairn Commissioner, stating that the European Convention on Human Rights had been extended to "all populated Territories except Pitcairn". But the Constitution for Pitcairn, referred to in paragraph 1 above, includes the rights and freedoms of the individual taken from the European Convention on Human Rights and other relevant rights taken from the International Covenant on Civil and Political Rights. A human rights capacity-building project, funded by the Government of the United Kingdom for its overseas territories, included visits to Pitcairn in September 2009 and March 2011 by human rights trainers from the Commonwealth Foundation. The project continues to offer guidance to the community on human rights issues.

12. In June 2011, the Commonwealth Foundation, the Commonwealth Human Rights Initiative and the Commonwealth Legal Education Association organized a 10-day training session on human rights for the inhabitants of the Island. The training focused on ways to ensure that laws and regulations respect Pitcairn's Constitution adopted in 2010 and on the development of a national human rights plan. Additionally, in May 2011, the Child Protection Studies programme, a training course accredited by the New Zealand Qualifications Authority, graduated the first five students from the Island.

II. Budget

13. According to the United Kingdom, the 2010-2011 expenditure for Pitcairn, supported by the Department for International Development of the United Kingdom was roughly $NZ 4.5 million, and income for the year was $NZ 204,000. Budgetary aid amounting to $NZ 4.28 million was provided in 2010-2011 to help meet the operating budget deficit. Significant development funds have been allocated for infrastructure projects by the Department for International Development and the European Union. Those funds are expected to be used for a wind power or alternative sustainable energy project to reduce the Island's dependence on diesel — for which procurement is about to begin — and for the improvement of access to the Island, including construction of an alternative landing. Other infrastructure projects will include road improvements and upgrades to public buildings. The territorial allocation provided for Pitcairn under the tenth European Development Fund, which runs from 2008 to 2013, amounts to 2.4 million euros.

III. Economic and social conditions

14. The principal source of income for Pitcairn's public economy had traditionally been the sale of stamps. Owing largely to a downturn in the stamp market, however, the Island now receives budgetary assistance from the Department for International Development of the United Kingdom. A scaled-down stamp trade continues nonetheless, with six or seven new stamp issues released each year. Pitcairn coins (New Zealand mint) are another collectors' item, and include a number of new designs expected for release in 2011/12. Revenue is also generated from landing fees for tourist arrivals.

15. Pitcairn's income is also supplemented by the sale of Internet domain names. Internet users worldwide can acquire a ".pn" suffix that is permanently awarded to

Pitcairn. The fees for the acquisition of a ".pn" domain are 200 United States dollars for the first registration, which covers two years, and 100 United States dollars for annual renewal thereafter.

16. According to data from the Commonwealth Secretariat, a range of minerals, including manganese, iron, copper, gold, silver and zinc, has been discovered within the exclusive economic zone of the Territory. The private economy of Pitcairn is based on subsistence gardening, fishing and the manufacture and sale of handicrafts, as well as the export to Japan, New Zealand, the United States of America and French Polynesia of dried fruit, vegetables, honey and honey products. Bartering, mainly with passing ships, is an important part of the economy. The fertile soil of the valleys produces a wide variety of fruits and vegetables. Fish is the main source of protein in the Islanders' diet.

17. Territory imports, mostly from New Zealand, include fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The latter are ordered several months in advance and are obtainable through a Government store, established in 1967. The Pitcairn Island Producers' Cooperative, established in 1999, promotes and coordinates the distribution of produce. A number of Pitcairn items are available directly via the Internet. Given the remoteness of Pitcairn, customers must allow up to six months for delivery and, when paying for orders by cheque, customers are advised to leave their cheques undated because of the long time it takes to process them.

18. The uninhabited island of Henderson, designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization in 1988, is the largest of the group and the richest in natural resources of the three satellite islands. Islanders visit there occasionally, staying a few days to collect a year's supply of miro wood, which they use to produce carvings, as well as to put down a layer of young miro branches in order to ensure a sustainable crop for years to come. The journey by longboat may take about 14 hours each way, depending on weather conditions. Environmentalists also visit Henderson from time to time, as it is known for its endemic species of birds and plants in a near-pristine system. From July to September 2011 a non-governmental organization led a project to eradicate rats, which were threatening the bird population. Early indications are that the project, to which the Government of the United Kingdom contributed more than 400,000 pounds sterling has been a success. Islanders also make the voyage to Oeno, known as their "holiday island", once a year for a week of fishing and gathering coconuts and shells. Traditionally, the fish caught on those expeditions are shared equally among the families in the Territory. Oeno is an important breeding site for seabirds.

A. Transport

19. Access to Pitcairn is possible only by sea. A shipping service runs from Mangareva in French Polynesia to the Island eight times a year, with four freight runs directly from New Zealand. Cruise ships also call during the season, which lasts from December to March. Ships visiting the Island remain at anchor some distance from the shoreline and visitors are ferried to the Island in longboats. According to the information provided by the United Kingdom, plans are being

considered to improve landing facilities, particularly for cruise ship passengers, as tourism development is important for Pitcairn's future prosperity.

B. Communications and power supply

20. The communications system installed in 2006 provided the Island with telephones in all homes, a stable Internet system, limited television service and videoconferencing facilities. Following a visit by an engineer in March 2011, a recommended upgrade to the system is expected to be funded by the end of the financial year.

21. Feasibility studies have been carried out for a breakwater or alternative landing and a new wind-diesel electricity generation system for the provision of a 24-hour electricity supply. Currently, diesel-driven generators provide 240-volt electric power for five hours in the morning and five hours in the evening.

C. Land tenure

22. A Land Tenure Reform Ordinance was enacted at the end of 2006 to ensure that every Pitcairn Islander was entitled to an allocation of house, garden, orchard and forestry land "sufficient to meet their needs" for as long as they lived on Pitcairn. An annual land tax payable on all land held by non-residents of the Territory, or on land held by residents "in excess of his or her reasonable needs", is aimed at ensuring that sufficient land is available for reallocation through the Land Court, upon application. Only Pitcairn Islanders by birth or naturalization, or their children or grandchildren who have reached the age of 18 years, are eligible to apply for an allocation. They must be resident at the time of application and must intend to remain so. More detailed information on land distribution issues is provided in the 2005 working paper (A/AC.109/2005/10).

D. Employment

23. The population of the Territory is self-employed, but allowances are paid to members of the community who participate in local government activities. Under the new governance structure, introduced in April 2009, the majority of the inhabitants have at least one part-time government job. Public work, recently renamed "civic obligations", required by law of all men and women between 15 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. The most essential of the traditional public duties is concerned with Bounty Bay, the maintenance of public boats or unloading supplies. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Island Secretary's office.

E. Education

24. Education is free and compulsory for all children between 5 and 15 years of age. Pitcairn's only school was completely rebuilt in 2006. Instruction is in English and is based on the New Zealand standard curriculum. The Education Officer, who

is also the editor of the *Pitcairn Miscellany*, the Territory's only newspaper, is a qualified teacher recruited from New Zealand, usually for a one-year term. For practical reasons, post-primary education is conducted at the school by correspondence courses arranged through the Department of Education of New Zealand. Overseas secondary education is encouraged by the grant of bursaries, and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn. Since 2007, citizens from the overseas territories have benefited from the home student fee rate at British universities.

25. Pitcairn Island has a museum built using funds from a grant from the Government of the United Kingdom. Artefacts on display include stone tools made by Polynesians prior to the arrival of the mutineers, as well as cannonballs, an anchor and a swivel gun from the *HMS Bounty*. The Seventh-Day Adventist Church is the only Church on the Island. A pastor from New Zealand is currently stationed on the Island.

F. Health care

26. The Pitcairn Island Health Centre, completed in 1997, was funded by the Department for International Development of the United Kingdom. It has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. A general practitioner is stationed on the Island on a one-year contract, assisted by an assistant nurse and a local dental officer, who also acts as an X-ray technician. The Government has also funded a social welfare programme, which includes a Family and Community Adviser, who is also recruited from New Zealand on a one-year contract. As on other Pacific islands, obesity and diabetes are a health problem.

G. Criminal justice

27. Allegations of child sex abuse, which came to light in 1999, led to a widespread police investigation resulting in 13 men being charged with a total of 96 offences. The trials of the seven on-island defendants were held on Pitcairn in 2004.

28. By December 2010, most of the men had passed their sentence expiry dates, except for three who are on parole. Parole is monitored by the Community Police Officer, seconded from the New Zealand Police Force (for further details see previous working papers, including A/AC.109/2011/4).

IV. Environment

29. In November 2011, the Applied Geoscience and Technology Division of the Secretariat of the Pacific Community, during the Second Annual Partners Meeting for the Supporting Disaster Risk Reduction in Pacific Project for the Overseas Countries and Territories, presented a project within the framework of the Disaster Reduction Programme to support Pitcairn's capacity to strengthen its resilience to longer periods of drought and to mitigate the drought's negative effects on the availability of crops and water. The project will monitor closely the climate and water resources, and the data collected will be used to increase the Island's water

catchment capacity as well as water storage, treatment and distribution. In addition the project aims at enhancing the Island's water and meteorology governance arrangements.

30. In January 2012, the Department for Environment, Food and Rural Affairs of the United Kingdom issued a paper entitled "The environment in the United Kingdom's Overseas Territories: United Kingdom Government and civil society support" on the advice and support available to the territories in areas of its competency, and highlighted the availability of departmental funds for that purpose.

V. Relations with international organizations and partners

31. It has been agreed to extend the United Nations Convention against Corruption, the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) to Pitcairn at the earliest opportunity.

32. Pitcairn is a member of the Secretariat of the Pacific Community, which is the oldest and largest organization in the 10-member Council of Regional Organizations of the Pacific, a consultative process that is headed at the political level by the Pacific Islands Forum Secretariat The Secretariat of the Pacific Community provides technical assistance, policy advice, training and research services to 22 Pacific Island Countries and Territories in areas such as health, human development, agriculture, forestry and fisheries. Pitcairn also participates in the Pacific Community Coastal Fisheries Programme.

VI. Future status of the Territory

A. Position of the territorial Government

33. The most recent statement by a representative of the Island Mayor was made during the Pacific Regional Seminar on Advancing the Decolonization Process in the Pacific region, held in Madang, Papua New Guinea, from 18 to 20 May 2004. The statement is summarized in the report of the Special Committee on Decolonization for 2004 (A/59/23).

B. Position of the administering Power

34. According to the record of the second meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-sixth session of the General Assembly (A/C.4/66/SR.2), on 3 October 2011 the representative of the United Kingdom, inter alia, said that the relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of each territory to determine whether it wished to remain linked to the United Kingdom or not. Where independence was an option and was the clear and constitutionally expressed wish of the people of a territory, his Government would help that territory to achieve it. Where a territory

wished to retain its link to the United Kingdom, his Government would remain committed to its future development and continued security.

35. The speaker went on to say that the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom had recently announced the Government's new strategy on its overseas territories. The time was not right to embark on further constitutional change. Rather, his Government was focusing on three practical policy goals: to strengthen interaction between the United Kingdom and its territories; to work with the territories to strengthen good governance, public financial management and economic planning where necessary; and to improve the support available to the territories. The implementation of the new strategy would take different forms in each territory, and a public consultation exercise had been launched in order to encourage the territories and other stakeholders to input their views on priorities. The outcome of the exercise would inform the white paper on the territories that the Government intended to publish in 2012. The Government of the United Kingdom was committed to allowing each territory to run its own affairs as far as possible, which entailed responsibilities and good governance on the part of the territory. The speaker further stressed that where "high standards of probity and governance were not maintained, the United Kingdom did not hesitate to intervene".

C. Action by the General Assembly

36. On 9 December 2011, the General Assembly adopted, without a vote, resolutions 66/89 A and B, based on the report of the Special Committee (A/66/23) and on its consideration by the Committee. Section VIII of resolution 66/89 B concerns Pitcairn, the operative part of which reads:

The General Assembly ...

1. *Recalls* the entry into force of the Pitcairn Constitution Order 2010 in the Territory in March 2010, featuring a new constitutional framework and human rights provisions, and all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through training of local personnel;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial Government on how best to support socio-economic security in Pitcairn.

United Nations A/AC.109/2012/4

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Bermuda

Working paper prepared by the Secretariat

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Note: The information contained in the present paper has been derived from public sources, including those of the territorial Government and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 11 January 2012. Further details are contained in previous working papers available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Bermuda is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Sir Richard Gozney (December 2007-2012)

Geography: Bermuda is located in the western part of the Atlantic Ocean, approximately 917 km east of the nearest continental shore, the North Carolina coast of the United States of America. It consists of 8 major and 130 smaller islands.

Land area: 57 km^2

Exclusive economic zone: 450,370 km^2[a]

Population: 64,237 (2010 census)

Ethnic composition: Approximately 54 per cent black and 31 per cent white, with an estimated 21 per cent mixed and other races

Language: English

Capital: Hamilton

Head of territorial Government: Premier Paula Cox

Main political parties: Progressive Labour Party; One Bermuda Alliance

Elections: Last — December 2010; next — February 2013

Legislature: Bicameral legislature, comprising a Senate of 11 members appointed by the Governor (three at his/her discretion, five on the advice of the Premier, three on the advice of the leader of the opposition) and a 36-member House of Assembly, elected in 36 constituencies for a five-year term

Gross domestic product per capita: US$ 69,900 (ranks among the highest in the world)

Economy: Financial services, tourism

Main trading partners: United States of America, Republic of Korea, Spain, India and Brazil

Unemployment rate: 6 per cent (2010)

Monetary unit: Bermuda dollar, pegged at parity with the United States dollar.

History in brief: Bermuda was discovered in 1505 by the Spanish explorer Juan de Bermudez, and by 1510 was referred to as "La Bermuda". It remained uninhabited until 1609, when British settlers on their way to Virginia were shipwrecked on one of the reefs. In 1612, King James I extended the charter of the Virginia Company to include Bermuda. In 1684, the company's charter was annulled, and government passed to the British crown.

[a] Exclusive economic zone data from the "Sea around Us Project", a collaboration between the University of British Columbia and the Pew Environment Group (see www.seaaroundus.org).

I. Constitutional, legal and political issues

1. The 1968 Constitution of Bermuda was amended on five occasions, the last one being in 2003. The Constitution gives the Territory almost full internal self-government, leaving the United Kingdom with a minimum number of constitutional controls. Under the Constitution, the Governor (and Commander-in-Chief) is appointed by the British crown, after consultations with the Territory's Premier. The Governor is responsible for defence, external affairs, internal security and the police.

2. The Territory has a parliamentary system of government, comprising a Governor, a Deputy Governor, a Cabinet and a bicameral legislature, with a House of Assembly of 36 members directly elected for a five-year term and a Senate of 11 appointed members. Five members of the Senate are appointed by the Governor on the advice of the Premier, three on the advice of the leader of the opposition and three by the Governor at his or her discretion. The Governor appoints as Premier the member of the 36-seat House of Assembly who appears to be best able to command the confidence of a majority of the members of that House. The Premier heads a Cabinet that may not comprise more than 14 members of the legislature.

3. Bermuda's law and legal system are based on English common law and principles of equity, English statute law (in force since 1612) and acts of the Bermuda Parliament passed since then. The judiciary is a separate body from the Government, and its members are appointed on the advice of the Chief Justice. There are three courts: the Magistrates' Court, the Supreme Court and the Court of Appeal. The British Overseas Territories Act 2002 provides for the conferral of British citizenship on "British overseas territory citizens".

4. Voters in the general elections or referendums must be 18 years of age, Bermudian by birth or status, or non-Bermudian long-term residents and citizens of the British Commonwealth. The current Premier, Paula Cox, took office in October 2010, following her election as the leader of the governing Progressive Labour Party, after the outgoing Premier, Ewart Brown, stood down on completion of his four-year term as party leader.

5. In 1995, a referendum was held on the question of independence. Of the 58.8 per cent of eligible voters who participated, a small number by Bermudian standards, 73.6 per cent voted against independence. The then-opposition party, the Progressive Labour Party, had organized a boycott of the referendum among

supporters of independence, arguing that the issue should be resolved by general election.

6. While traditionally an important issue in Bermuda, the question of independence has not been as predominant in the recent political scene as in the past. A January 2011 unofficial opinion poll indicated that 73 per cent of people did not want to sever ties with the United Kingdom (up from 63 per cent in a similar 2007 poll). Reportedly, 14 per cent were in favour of independence (down from 25 per cent). The divide was also reflected along racial lines, with 86 per cent of whites opposing independence versus 64 per cent of blacks.

7. In its 2005 report, the Bermuda Independence Commission noted that the racial question had been an ever-present feature of the Bermudian social, economic and political landscape throughout Bermuda's history. Racial divisions in Bermuda have, in significant measure, played out in support for, or opposition to, independence and the method to be used to ascertain the wishes of the population. The ruling Progressive Labour Party wished the issue of independence settled in the context of an election, while the United Bermuda Party favoured a referendum. The Bermuda Independence Commission concluded that it was incumbent upon both political parties to share the merits of each method.

8. In January 2012, the Premier stated in remarks to the media that "We do not have the legitimate authority to try and make Bermuda independent without the people's buy-in". With respect to independence, she said that the territorial Government did not operate by stealth.

II. Budget

9. Bermuda's fiscal year begins in April. In presenting the 2011/12 budget, the Bermuda Government announced that its funding priorities would focus on education, health, youth and families, fighting crime, infrastructure and human development, preserving public-sector jobs and improving Government and poverty-reducing strategies. Total projected expenditures amounted to $1.2 billion and projected revenue to $940 million. The 2011/12 budget combined public spending reductions with a payroll tax rollback of two percentage points. The Territory's tax exemption legislation was extended to 2035.

10. According to the December 2011 report entitled "Global Corporate Taxation and Resources for Quality Public Services", issued by the Education International Research Institute on behalf of the Council of Global Unions, Bermuda is a jurisdiction with no individual or corporate income tax. In 2011, Bermuda and South Africa signed a bilateral tax information exchange agreement.

III. Economic conditions

A. General

11. The economy of Bermuda is based primarily on the provision of financial services for international business and on tourism. The industrial sector is small, although construction continues to be an important feature. Agriculture is limited, as only approximately 20 per cent of the land is arable.

12. The estimated gross domestic product (GDP) of the Territory for 2010 was $5.7 billion. According to the Economist Intelligence Unit, the estimated GDP for 2011 was $6.2 billion. As part of the Government's efforts to support a shrinking economy, the Governor announced several initiatives to sustain jobs and economic growth in the November 2011 Speech from the Throne.

13. Bermuda does not have a central bank. The peg to the United States dollar is managed by commercial banks meeting supply and demand at the one-to-one rate. The banks, rather than the Bermuda Monetary Authority, own the foreign exchange reserves of Bermuda.

B. Financial services

14. Bermuda is one of the world's leading offshore financial and business centres. It is also among the major jurisdictions worldwide in large-scale insurance and reinsurance. The Bermuda Monetary Authority is the integrated regulator of the financial service sector in Bermuda, which has the power to levy civil fines. According to the aforementioned report by the Education International Research Institute, corporations pay licence fees to operate in Bermuda.

15. As at 31 December 2010, there were 15,091 international companies registered in Bermuda. In 2011, over 624 new international companies and partnerships were registered, representing a 15.3 per cent increase over the previous years.

16. According to the Governor's Throne Speech of 4 November 2011, plans were under way to actively market Bermuda as a jurisdiction for Islamic finance, reaching out to countries in the Middle East.

C. Tourism

17. According to the Bermuda Government, over 585,000 travellers visited the Territory in 2010. They spent a total of $393 million, thus contributing more than 5 per cent of GDP. Approximately 9 per cent of Bermuda's workforce was directly employed in tourism. Almost 3,580 jobs were directly generated by tourism and over 2,000 people were employed in support jobs such as providing food supplies to hotels and restaurants.

18. The Ministry of Business Development and Tourism was established in 2010, with a view to leveraging synergies between tourism and international business. Its budget allocation for 2011/12 was approximately $40 million. A new Board of Tourism has been appointed and efforts are under way to recruit Bermudians into the hospitality industry.

D. Construction

19. According to the 2011 Throne Speech, the Territory is developing a national infrastructure strategy, the major component of which is the development of the waterfront in the city of Hamilton.

20. In 2011/12, $27 million was allocated to the capital maintenance and expansion of the Tynes Bay waste treatment facility, and $12 million to a variety of

small projects, including building upgrades, school maintenance and roadside works. An estimated $15 million was provided to fund the construction-related efforts of the Bermuda Housing Corporation.

E. Transport and communications

21. The Ministry of Transport was provided a budget of approximately $76 million for 2011/12. Bermuda has very high-standard transport and telecommunications sectors. With a network of about 225 kilometres of paved public roads and 400 kilometres of private roads, Bermuda has one of the highest road traffic densities in the world, with approximately 100 vehicles per kilometre. Restrictions on car ownership to one per household, coupled with a policy of allowing no rental cars, have resulted in the development of a well-utilized group transportation system. Free public transportation for resident students via bus and ferry continues to be available.

22. Numerous regular commercial flights connect Bermuda to a number of destinations in the United States and Canada. Bermuda has its own air and ship regulatory agencies. Both the Department of Civil Aviation and the Department of Maritime Administration maintain registries, which are considered to be as stringent as those of comparable agencies in the United Kingdom and the United States.

23. According to the United Kingdom, the international and domestic information and communications technology infrastructure of Bermuda is highly advanced and accessible to the entire population. The island has four international telecommunications service providers, three of which have their own transatlantic facilities, supplemented by satellite facilities for special services and emergency communications.

IV. Social conditions

A. General

24. While job creation remains the top priority of the Bermuda Government, its stimulus plan announced in the 2011 Throne Speech also addresses the needs of citizens in many other areas. These include the provision of support to persons experiencing hardship; legislation that addresses family issues; initiatives that benefit seniors; and measures in support of education, public safety and justice.

25. According to the United Kingdom, in 2011, Bermuda created a new Ministry of Youth, Families and Sports. Under the auspices of the successful "Mirrors Programme", the Ministry piloted a "Coaching for Success" initiative at two middle schools on the island for students aged 11 to 14 years, designed to provide guidance to young persons at an earlier age in order to prevent or divert potential inclinations towards dysfunctional behaviour. For 2011/12, the Ministry was provided a budget of approximately $66 million.

B. Labour

26. According to 2010 employment data, the total number of jobs in Bermuda decreased by 3.6 per cent, from 39,520 in 2009 to 38,097 in 2010. The non-Bermudian sector suffered a loss of 867 jobs while the Bermudian sector lost 542. According to the United Kingdom, a review of the racial composition of the workforce indicated that 53 per cent of the workforce is black, 32 per cent is white and 15 per cent is of mixed and other races. A disparity in earning power is apparent, since whites earn 134 per cent of the median wage, blacks 93 per cent and mixed and other races 87 per cent. The official unemployment rate for 2010 was 6 per cent, 7 per cent for men and 6 per cent for women. Based on information provided by the United Kingdom, unemployment was 8 per cent for blacks and 5 per cent for whites. Youth unemployment reached 16 per cent.

27. As reflected in the 2011 Throne Speech, the territorial Government took a number of measures to alleviate youth unemployment and to overhaul the Territory's immigration legislation, with particular emphasis on holders of permanent resident's certificates and the landholding market in respect of foreign buyers.

C. Education

28. The Ministry of Education was provided a budget of approximately $128 million for 2011/12 to achieve the objectives of a strategic plan for the Bermuda public school system to provide world-class education that met global standards and ensure that students reach their full potential. The literacy rate in the Territory is approximately 98 per cent for males and 99 per cent for females over 14 years of age. Education is compulsory for all children from 5 to 18 years of age. Approximately 58 per cent of Bermudian students of compulsory school-age attend free public schools. There are a number of private schools, including six that offer early primary education. These institutions receive no Government funding.

29. The Bermuda College is the Territory's main facility for tertiary education. In 2011, Bermuda instituted the first Bermuda-University of the West Indies scholarship to allow Bermudian students reductions on the full cost of tuition at that University.

D. Health

30. For 2011/12, the Ministry of Health was provided with a budget of $172 million. Bermuda has an ageing population and a low fertility rate. Life expectancy at birth is approximately 82.1 years for women and 76.7 years for men. Life expectancy among blacks is approximately four years less than for whites. FutureCare, a new Government-operated insurance plan for seniors, was opened to all seniors in 2011.

31. Chronic diseases continue to account for a disproportionate number of health challenges. (Heart disease, cancer and diabetes account for 60 per cent of deaths.) In 2010/11, the Ministry of Health conducted several wellness campaigns to mitigate these conditions. Road traffic fatalities were a significant public health threat, accounting for approximately 85 per cent of deaths in 16- to 24-year-olds and about 65 per cent of deaths in 25- to 44-year-olds.

32. According to the United Kingdom, since 1970, Bermuda has had a hybrid health financing system consisting of social health insurance, Government subsidies and private health insurance. The social health insurance component consists of a core package of standard hospital benefits. All insurers are mandated to offer this package to employed persons and their non-employed spouses. The Government subsidizes standard hospital benefits for young people, the indigent and the elderly. Insurance coverage is estimated at 94 per cent.

33. In 2011, the Ministry of Health released the National Health Plan: Bermuda Health System Reform Strategy. With a focus on equity and sustainability, the Plan aims to establish universal access to basic health coverage that is affordable while redefining the benefits to ensure coverage beyond hospitalization. In November 2011, task groups began developing policy options for implementation. It is projected that the Plan will be implemented over a seven-year period.

E. Crime and public safety

34. The Ministry of National Security is responsible for public safety and for strengthening the professional standards of the Bermuda Police Service, the Bermuda Regiment, and the Bermuda Fire and Rescue Service. The Police Service comprises approximately 470 officers and 70 active Reserves. Under the 2011/12 budget, approximately $66 million was allocated to the Police Service, as part of an overall estimated allocation of $144 million for the Ministry of National Security.

35. Media reports indicated that between 2009 and 2011, 12 people were shot dead and an additional 38 people were injured in gun-related attacks. In 2011, the Bermuda Government took measures, including passing the Proceeds of Crime Amendment Act 2011, to deal with illegal funds relating to drug and gun-related crimes. In addition, according to the territorial Government, during 2011/12, approximately $3 million will be invested in completing the installation of the X-ray scanner at the container port in Hamilton.

36. According to the United Kingdom, in 2011, legislation was passed to designate the Financial Intelligence Agency as the competent anti-money-laundering and anti-terrorism financing authority for compliance in relation to specified designated non-financial businesses and professions. In addition, amendments were made to existing legislation to extend the scope and relevant definitions of matters relating to money-laundering and terrorist financing, and to enhance the relevant powers of competent authorities. The Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 were enacted, providing comprehensive requirements for industry to have appropriate systems and controls in place for "knowing their clients".

37. The Financial Action Task Force, an independent intergovernmental body that develops and promotes policies to protect the global financial system against money-laundering and terrorist financing, provides general background information on money-laundering with respect to Bermuda in its October 2010 report entitled "Money Laundering Using Trust and Company Service Providers". In addition, a 2011 World Bank staff report entitled "The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do About It" presents information on grand corruption cases with respect to the Territory.

F. Human rights and related issues

38. The following major international human rights instruments apply in Bermuda: the European Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Racial Discrimination.

39. According to the United Kingdom, in 2011, the Bermuda Government continued to review its position in relation to compliance with the Convention on the Elimination of All Forms of Discrimination against Women. The Commonwealth Secretariat provided expertise in the form of a consultant to review Bermuda's laws in respect of compliance with the Convention. In addition, the Bermuda Government is still considering options for adding sexual orientation to the 1981 Human Rights Act as a protected ground with respect to housing, employment and goods and services.

V. Environment

40. The Ministry of the Environment, Planning and Infrastructure Strategy was provided a budget of $14.2 million for 2011/12. Its functions are to lead Bermuda towards sustainability by protecting the island's natural and built environments.

41. According to the United Kingdom, Bermuda has clean air regulations containing emission standards that are on par with those in the United States and the European Union countries. Air quality is monitored daily through a partnership with a non-governmental scientific facility. Management of marine resources is a high priority for the Government of Bermuda.

42. Approximately 98 per cent of electric power is provided by a single private entity, which relies exclusively on fossil fuels to generate electricity. The remaining 2 per cent of Bermuda's electric power is provided by the Tynes Bay waste-to-energy plant, owned and operated by the Ministry of Public Works. Since 2010, the Department of Energy has been pursuing Bermuda's plan to move away from complete dependency on fossil fuels, and the electric utility company has initiated its plan to permit a limited number of private residents to produce electricity using photovoltaic equipment and to sell the electricity to the utility for distribution on the public grid.

43. For its part, in January 2012, the United Kingdom's Department for Environment, Food and Rural Affairs issued a paper entitled "The Environment in the United Kingdom's Overseas Territories: UK Government and Civil Society Support" on the advice and support available to the Territories in areas of its competency, and highlighted the availability of departmental funds for that purpose.

VI. Military issues

44. Bermuda maintains a defence regiment of some 600 soldiers, the Bermuda Regiment. In addition to part-time members, this figure includes some 140 "long-stay nucleus" and 30 full-time soldiers. The Territory's adult male population is

subject to conscription by ballot, involving approximately three years of part-time liability for weekly drills, as well as a 15-day annual camp. All soldiers are paid for their military service. According to the territorial Government, the Regiment cooperates on a regular basis with foreign Governments and militaries, including the Jamaica Defence Force, the United States Marine Corps and the Canadian military, and assists in disaster relief operations in other United Kingdom administered territories.

VII. Relations with international organizations and partners

45. Bermuda is an associate member of the Caribbean Community (CARICOM) and the Caribbean Common Market and a member of the Caribbean Financial Action Task Force set up to combat money-laundering. The Territory also participates in the Caribbean Conservation Corporation, the International Confederation of Free Trade Unions, the International Criminal Police Organization (INTERPOL) and the International Olympic Committee (IOC).

46. Bermuda is a member of the United Kingdom Overseas Territories. Upon the request of Bermuda, the Territory is not subject to the Overseas Association Decision implementing Part IV of the Treaty establishing the European Community. The arrangements for association with the European Union have never been applied to Bermuda, in accordance with the wishes of the territorial Government. Bermuda is, however, entitled to participate in the partnership meetings involving British Overseas Countries and Territories.

VIII. Future status of the Territory

A. Position of the territorial Government

47. Information regarding developments on the future status of Bermuda is reflected in section I above.

B. Position of the administering Power

48. According to the summary record of the 2nd meeting of the Fourth Committee of the General Assembly at its sixty-sixth session, held on 3 October 2011 (see A/C.4/66/SR.2), the representative of the United Kingdom said, inter alia, that the British Government's relationship with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wished to remain linked to the United Kingdom or not. Where independence was an option and was the clear and constitutionally expressed wish of the people of a Territory, his Government would help that Territory to achieve it. Where a Territory wished to retain its link to the United Kingdom, his Government would remain committed to its future development and continued security.

49. The representative went on to say that the British Foreign Secretary had recently announced the Government's new strategy towards the Overseas Territories. The time was not right to embark on further constitutional change. Rather, his Government was focusing on three practical policy goals: to strengthen

interaction between the United Kingdom and its Territories; to work with the Territories to strengthen good governance, public financial management and economic planning where necessary; and to improve the support available to the Territories. The implementation of the new strategy would take different forms in each Territory, and a public consultation exercise had been launched in order to encourage the Territories and other stakeholders to input their views on priorities. The outcome of the exercise would inform the White Paper on the Territories that the British Government intended to publish in 2012. The British Government was committed to allowing each Territory to run its own affairs as far as possible, which entailed responsibilities and good governance on the part of the Territory. However, where high standards of probity and governance were not maintained, the United Kingdom did not hesitate to intervene.

C. Action taken by the General Assembly

50. On 9 December 2011, the General Assembly adopted without a vote resolutions 66/89 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/66/23) and its subsequent consideration by the Fourth Committee. Section III of resolution 66/89 B concerns Bermuda, the operative part of which reads:

The General Assembly:

1. *Stresses* the importance of the 2005 report of the Bermuda Independence Commission, which provides a thorough examination of the facts surrounding independence, and continues to regret that the plans for public meetings and the presentation of a Green Paper to the House of Assembly followed by a White Paper outlining the policy proposals for an independent Bermuda have so far not materialized;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public educational outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested.

United Nations A/AC.109/2012/5

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Saint Helena

Working paper prepared by the Secretariat

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 11 January 2012. Further details are contained in previous working papers available from http://www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Saint Helena, Ascension and Tristan da Cunha is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administrative Power: Governor Mark Capes (October 2011).

Geography: Saint Helena is a small island of volcanic origin, situated in the South Atlantic Ocean, approximately 1,900 km from Angola and 2,900 km from Brazil. Ascension lies 1,200 km to the north-west of Saint Helena, and Tristan da Cunha and the other small islands lie approximately 2,400 km to the south of Saint Helena.

Land area: 310 km^2, consisting of the islands of Saint Helena and Ascension and the Tristan da Cunha group.

Exclusive economic zone: 1,641,294 km^2.[a]

Population: Saint Helena: 4,000; Ascension: 880; Tristan da Cunha: 265 (2011 estimates).

Language: English.

Capital: Jamestown.

Main political parties: None.

Elections: Most recent: November 2009; next: November 2013.

Legislature: Unicameral legislative assembly (15 seats, 12 elected members).

Gross domestic product per capita: US$ 2,291 (2000/01 estimate).

Economy: Fishing, coffee, tourism, financial assistance from the United Kingdom (about 80 per cent of annual budgetary revenues).

Unemployment rate: 12.7 per cent (2001/02 estimate).

Monetary unit: Saint Helena pound (SHP).

Brief history: The island of Saint Helena was reportedly discovered in 1502 by a Spanish navigator in the service of Portugal and by the end of the sixteenth century had become a port of call for ships en route from Europe to the East Indies. In 1633, it was formally annexed by the Netherlands; however, in 1659 the British East India Company took possession of the island.

[a] Exclusive economic zone data from the Sea around Us Project, a collaboration between the University of British Columbia and the Pew Environment Group (www.seaaroundus.org).

I. Constitutional, legal and political developments

1. The current Constitution for Saint Helena, Ascension and Tristan da Cunha entered into force in September 2009. The new Constitution changes the name of the Territory from "Saint Helena and its Dependencies" to "Saint Helena, Ascension and Tristan da Cunha" giving the three islands equal status within the Territory. The Head of the Government of Saint Helena, Ascension and Tristan da Cunha is the Governor, appointed by the British Crown. However, the ability of the Governor to act inconsistently with the wishes of elected Councillors is curtailed in comparison with the previous Constitution. The British Overseas Territories Act 2002 provides for the grant of British citizenship to "British overseas territory citizens".

2. The Constitution provides protection for fundamental rights and freedoms of the individual, including protection of the right of life, protection from inhumane treatment, protection from slavery and forced labour, protection of the right to personal liberty, protection of prisoners, the right to marry, children's rights, freedom of conscience, the right to education and freedom of expression, assembly and association.

3. The Legislative Council comprises the Speaker, the Deputy Speaker, three ex officio members (the Chief Secretary, the Financial Secretary and the Attorney General) and 12 elected members. The Executive Council, which is presided over by the Governor, consists of the ex officio members and five elected members from the Legislative Council. The ex officio members have no vote in either body.

4. Elections are held by secret ballot, at intervals of not more than four years, by universal suffrage for those aged 18 years and over. The most recent general elections were held on 4 November 2009. Twelve nominees (six for each constituency) were duly elected. The new Legislative Council met formally on 13 November and elected the five elected members of the Executive Council and Chairs for each of the eight Council Committees. An election for a new Executive Council took place on 7 November 2011, at the midpoint of the terms of office of the current Legislative Council. The Council is due for dissolution on or before November 2013, with the next general election taking place shortly thereafter.

5. The new Constitution contains enhanced provisions for ensuring the independence of the judiciary from the legislative and executive organs of the Government. The judicial system comprises a Court of Appeal, a Supreme Court and such subordinate courts (currently a Magistrates' Court and provisions for coroner's enquiries into sudden deaths) as may be established by ordinance. There remains a final appeal to the Privy Council of the United Kingdom in prescribed circumstances.

II. Budget

6. Due to a shrinking tax base, owing in part to migration and an ageing population, Saint Helena is heavily dependent on the United Kingdom and other external sources for funding. Budgetary support from the United Kingdom is used to provide essential public services and to subsidize the dedicated shipping service of the Territory. Much of the capital investment is funded through the Department for International Development (DFID) and the European Union.

7. According to information provided by the United Kingdom, total budgetary aid, development assistance and shipping support from the Government of the United Kingdom was £21.49 million for the 2010/11 fiscal year, compared to £26.15 million during the previous period, representing a 17.8 per cent decrease. The 2011/12 aid package was approved in May 2011, following a visit to Saint Helena by DFID representatives. It was decided during that visit that the next three-year budget review would take place in February 2012.

III. Economic conditions

A. General

8. The economy of Saint Helena depends largely on financial assistance from the United Kingdom, which makes up about 80 per cent of annual budgetary revenues. Approximately 40 per cent of the labour force works within the Government; the next-largest sector for employment is retail and services. The local population also earns income from fishing, raising livestock and selling handicrafts. In June 2011, the Government of Saint Helena conducted a national workforce survey to assess the likely demand for labour during the construction and operation of an airport as well as to provide an indication of gaps in skills and future training needs. Moreover, the labour market strategy for 2012-2014, setting up the policy framework, was presented by the Government along with an implementation plan to ensure the achievement of strategic goals throughout 2014. A midterm review of the strategy will be conducted by the Government in 2013.

9. According to the United Kingdom, the first phase of a public sector modernization programme, which is being funded by DFID, has been completed, and the inception report endorsed, in principle, by the Saint Helena Executive Council. That facilitated the drafting of a project memorandum for submission to DFID to secure funding for the second phase of the programme, which began in the first quarter of 2009. The modernization programme is now in its final year, although a request has been made to extend the project to the end of 2012. During the past year, the programme has focused on supporting the various work streams coming out of the air access Memorandum of Understanding Reform Programme.

B. Development

10. Saint Helena is eligible to receive funds from the European Union. The Territory's allocation from the tenth European Development Fund (2008-2013) is €16.63 million. On Saint Helena, the Fund's allocation will allow for the development of a safer landing facility (including a breakwater, a slipway and a sheltered landing area), improved sea defences in James Bay and road rehabilitation. On Ascension Island, the allocation will be applied to road upgrading. On Tristan da Cunha, it will be used for further harbour improvements, investigation of alternative energy potential, water upgrading, waste management, electricity distribution infrastructure and capacity-building related to the management of the lobster processing plant.

11. Development aid from DFID is provided within a three-year framework. In addition, DFID has funded a major infrastructure review that has led to the

development of a comprehensive plan that identifies Saint Helena's infrastructure requirements over the next 10 to 20 years.

12. In March 2008, a disaster-management capability review, fully funded by DFID, was undertaken in Saint Helena by the Government of the United Kingdom. In February 2009, a disaster management consultant funded by the European Union visited Saint Helena to consolidate the work of the island Disaster Management Committee. Further recommendations are now being carried forward. The disaster management recommendations are being implemented in quarterly meetings led by the Chief of Police in his capacity as the Disaster Management Coordinator for Saint Helena. A joint agency disaster-management live exercise was conducted in January 2012, following the previous successful exercise in November 2010.

C. Fisheries and agriculture

13. Fisheries are an important sector of the economy of Saint Helena. According to the United Kingdom, there are 29 fishing boats with commercial licences, but only about 12 of them fish regularly. The local fishermen sell their catch to the Saint Helena Fisheries Corporation. Fish purchases for the first half of the financial year 2011/12 were 380.43 tons, compared to 136.1 tons during the same period the previous year. Fish exports from April to August 2011 amounted 491.1 tons, compared to 106.8 tons over the same period the previous year. There has been no take-up of foreign fishing licences since the financial year 2006/07, although those licences have in the past contributed up to 20 per cent of all local revenue. The island's wild fish were the first to receive organic certification from the Soil Association, the leading campaigning and certification organization of the United Kingdom for organic food and farming.

14. Saint Helena has developed a reputation for the high quality of its coffee. The island's product is considered one of the finest premium coffees in the world. Owing to problems in the coffee sector, however, very little coffee has been exported recently.

15. With regard to farming, the 2011/12 agricultural support programme provided support in the following areas: irrigation, storage and production infrastructure, and banana, coffee, seed potato, pork and poultry production. The overall aim of the agricultural improvement scheme is to sustain and, where possible, increase agricultural production.

D. Transport and utilities

16. Access to Saint Helena is provided by the RMS Saint Helena, which serves Saint Helena, Ascension and Cape Town, South Africa. Saint Helena's only port, Jamestown, provides good anchorage, although it lacks safe landing facilities that would allow passengers of large cruise vessels to come ashore in all types of weather. It is hoped that the construction of a jetty in Rupert's Bay, in connection with air access development, will enable the separation of cargo and passenger operations in the future.

17. An airport is planned on Saint Helena. In July 2010, the Secretary of State for International Development announced that the Government of the United Kingdom

would be willing to finance an airport on Saint Helena, subject to strict conditions being met, including the negotiation of acceptable price, the mitigation of cost risks and time overruns, the approval of the airport design using a shorter runway and the undertaking by the Government of Saint Helena of reforms necessary to open the island's economy. On 3 November 2011, the Government of the United Kingdom announced that the conditions had been met and that it had entered a contract with Basil Read in the amount of £201.5 million for the design and construction of the airport on Saint Helena. The contract also included up to £10 million in shared risk contingency and £35.1 million for 10 years of operation.

18. According to media reports, a technology called an "engineered material arresting system" will be employed to allow a new kind of runway that will allow the airport to receive larger aircraft on its short runway, which is likely to be a little more than one mile long. The project will involve a small airport building, a short runway, connecting roads, a small harbour terminal and ancillary works, as well as the installation of air-traffic control systems. Current plans call for the airport to be ready by 2015. The airport should eventually make the island financially independent, and not reliant on funding from the United Kingdom.

19. The Territory has approximately 168 km of paved roads (Saint Helena 118 km, Ascension 40 km, Tristan da Cunha 10 km) and 30 km of unpaved roads (Saint Helena 20 km and Tristan da Cunha 10 km).

20. Saint Helena has two local radio stations, as well as satellite television stations rebroadcast terrestrially. Ascension has one local radio station and receives relays of broadcasts from Saint Helena. Broadcasts from the British Forces Broadcasting Service (BFBS) are available, as well as television services for the United States military. Tristan da Cunha has one local radio station and receives BFBS television and radio broadcasts. There were 831 Internet subscribers in Saint Helena and 310 subscribers in Ascension as at 1 November 2011.

21. Under the DFID-funded electricity distribution project, work has been under way to upgrade and extend the island's electricity distribution system. A further project will include the refurbishment of the power station and the generators, as well as the installation of additional wind turbines. The water collection, treatment and distribution network is currently under review, and DFID funding is available to ensure that any high-priority works can be implemented. Further joint funding by DFID and the European Union is available to refurbish some of the major roads across Saint Helena. It is hoped that landfill disposal systems for domestic and commercial solid waste, which are currently positioned too near the proposed airport, can be relocated using DFID funding.

E. Banking and credit

22. In December 2008, new ordinances on financial services and money-laundering came into force. The bills aim to ensure that Saint Helena complies with international obligations, while safeguarding Saint Helenians from fraudulent financial service providers.

F. Tourism

23. In 2010, DFID approved £1.2 million for the tourism development project on Saint Helena. The project provides, among other things, for enhanced marketing and promotion, improved destination management and community-driven projects linked with tourism.

24. The United Kingdom believes that the new airport is the best way to bring new financial opportunities to the island and promote tourism. At present, about 2,000 visitors per year make the trip to Saint Helena by ship. With the airport, it is estimated that more than 29,000 tourists will visit the island each year. The rugged natural beauty of the Territory, its rare wildlife and its historic sites, such as Napoleon's tomb, are expected to attract visitors. With the construction of an airport, it is estimated that tourist expenditure on the island will grow from £707,000 in 2009/10 to £9,840,000 in 2021, and stimulate growth in the wider economy.

IV. Social conditions

A. General

25. Following the reintroduction of the granting of British citizenship to Saint Helenians in 2002, the islands experienced an exodus, which subsequently has slowed. The majority of Saint Helenians returning to settle on the islands are of retirement age, thus exacerbating the already heavily skewed age profile of the population. According to the United Kingdom, this trend may reverse, however, now that air access is imminent. Approximately 17 per cent of the population resides in Jamestown. According to DFID, there is a high percentage of female-headed households on Saint Helena as a result of labour migration, which has split up families. Currently about 25 per cent of children living in Saint Helena have one or more parents living abroad.

26. Measured by international standards, Saint Helena is a middle-income Territory with few signs of real material poverty. This is largely the result of the all-encompassing Government safety net, which guarantees everyone a minimum standard of living, and of social networks that encourage the distribution of income among kin, most notably in the form of remittances.

27. According to media reports, Saint Helena achieved two top-10 rankings — eighth in both best quality of life and best direct foreign investment strategy — in the African Countries of the Future 2011/12 ranking made by fDi Intelligence.

28. The ageing population of the Territory, with 22 per cent over 65 years of age, has created an increasing need for substantial investment in a new elderly care programme. To this end, Her Royal Highness the Princess Royal Community Care Centre, funded by DFID, was opened in 2008. A revised policy for home-care support took effect in mid-November 2010. The policy allows older people to live in their own homes for as long as possible and provides for the support to assist them with the activities of daily living. According to the United Kingdom, in April 2011 the new Social Security Ordinance came into force which provides for the payment of income-related benefits to the poorest households on the island. This legislation

also provides for the introduction of a benefit called the "basic island pension", which is available to people aged 65 and over who are able to demonstrate that they worked a minimum of 20 years on Saint Helena. At the end of November 2011, 550 persons were receiving a basic island pension.

29. The Child Welfare Ordinance came into force in March 2010. The new legislation changes the strategic management structure for safeguarding children and young people on Saint Helena. New policies and procedures have been developed for child protection and safeguarding the welfare of children. The legislation fulfils Saint Helena's obligation under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

30. In January 2009, the Executive Council approved a new health and social services strategy for Saint Helena, entitled "Focusing on the future", to guide the development of the Public Health and Social Services Department until 2012. DFID has agreed to inject almost £2 million into the project over its duration, subject to the achievement of certain milestones throughout its implementation.

31. There is one general hospital in Jamestown and five health clinics serving people living in rural areas. In addition, two units cater to clients with challenging behaviour problems and learning disabilities.

B. Employment

32. The public sector employs about 40 per cent of the workforce in Saint Helena. The Government of Saint Helena has been looking at standards of practice in employment in anticipation of the economic changes that are expected because of the construction of the airport. Legislation was passed in 2010 with provisions relating to employment and the rights of employees and to create a framework for the enforcement of such rights. These rights relate to a written statement of particulars, provision for working time regulations, unfair dismissal, entitlement to unpaid parental leave and unpaid leave to care for dependants, and provision for a minimum wage. In addition, the Government has indicated that it intends to enact new legislation to regulate the terms and conditions under which people are employed by businesses and other organizations in Saint Helena. The subjects expected to be covered include paid holiday and rest breaks, limits on night work, maternity and paternity pay, redundancy pay and protection from unauthorized deductions from pay, as well as the right to belong or not to belong to a trade union or staff association.

33. With a view to correcting anomalies and addressing staff retention that would also encourage and/or facilitate career management, in April 2010, the Government introduced a revised system of fairer pay scales. As a result of successfully meeting the training needs of the unemployed, Saint Helena's number on the Community Work Scheme was reduced from 176 in 2003 to 18 at the end of 2010. The Scheme was abolished in March 2011 for budget-related reasons.

34. Offshore employment has steadily increased and, with it, remittances to the Territory. Approximately one quarter of the island's workforce is employed on Ascension, in the Falkland Islands (Malvinas) or in the United Kingdom. Remittances passing through the Government of Saint Helena Finance Department during 2009/10 decreased to £811,145, compared to £845,280 during 2008/09. The

amount does not necessarily represent the total remittances for that year, since direct transfers can be made to the Bank of Saint Helena. The Finance Directorate no longer processes remittances, as these are done via the Bank of Saint Helena.

35. The majority of contracts for offshore employment are for unaccompanied workers, resulting in a significant social burden and dislocation of families. In addition, the loss of trained staff to better-paid offshore employment makes it necessary to bring in a range of internationally recruited staff in a number of sectors. With the construction of an airport scheduled to begin in late 2011, demand for workers is expected to increase significantly. This, however, will create a skills gap on the island, in particular in the elementary and service sector roles.

C. Education

36. Education is compulsory and free for children between 5 and 16 years of age. There are currently four schools in operation, comprising three all-through primary schools (for pupils aged 3 to 11 years) and one secondary school for students aged 11 to 18 years. Students over 16 may opt for United Kingdom-accredited academic or vocational courses. Since September 2009, distance learning opportunities have been included in the curriculum of the secondary school. The Education Department is also responsible for the training and retraining of the public and private sector, through the provision of an Adult and Vocational Education Service.

37. Retaining qualified, experienced staff continues to be a challenge. The Education Ordinance 2008 improved the legal framework for providing suitable education to children and also raised the compulsory schooling age from 15 to 16 years. The allowance scheme available to students in year 12 and 13 for attending school has been selected as the first untargeted subsidy to be reformed. Beginning in September 2011, the reform changed the school allowance from an untargeted to a targeted subsidy so that students who come from a household that meets the criteria will still benefit. The Executive Council decided that only those students in years 12 and 13 from a household with a gross annual income of up to £11,000 will qualify for the school allowance. For the year 2011/12, the Government's estimated expenditure on education and employment is £2,221,836, including all of the primary sectors and tertiary education as well as teacher training costs.

D. Environment

38. Saint Helena has an environmental conservation programme aimed at preserving endangered species and the diversity of habitats. The Government actively pursues compliance with its commitments under the Environment Charter, but resource constraints have impeded progress in some areas.

39. The Overseas Territories Environment Programme, funded jointly by DFID and the Foreign and Commonwealth Office of the Government of the United Kingdom, approved a project for Saint Helena in 2010 entitled "Illustrated field guides to the flora of Saint Helena". On Ascension Island, it approved an endemic plant conservation plan. In Tristan da Cunha, efforts will focus on the control of alien mice and plants at the Gough Island World Heritage Site. Nine further project bids were submitted for the eighth Overseas Territories Environment Programme bidding round in the financial year 2011/12. Out of these, a total of seven projects

were approved. Three of these were for Saint Helena, and were entitled "Securing the endemic wirebird population through invasive predator control", "Creating a mechanized recycling facility at SHAPE, Saint Helena's Active Participation in Enterprise" and "Restoration of a functioning bastard gumwood population". Two projects for Ascension Island were approved: "An ecosystem approach to plant conservation on Ascension Island" and "Status of marine turtles of Ascension Island". Two projects were approved for Tristan da Cunha: "Clearing alien plants from Tristan da Cunha and Gough Island" and "Geo-referenced baseline vegetation survey to allow future monitoring of environmental change".

40. A further rockfall protection project, costing £3.475 million and funded by DFID, was completed at the end of February 2011. The project aimed at mitigating rockfalls from the cliffs above Jamestown and protecting the lives and property of its inhabitants.

41. In January 2012, the Department for Environment, Food and Rural Affairs of the United Kingdom issued a paper entitled "The environment in the United Kingdom's overseas territories: UK Government and civil society support" on the advice and support available to the Territories in areas of its competency, and highlighted the availability of departmental funds for that purpose.

V. Relations with international organizations and partners

42. As a Non-Self-Governing Territory of the United Kingdom, Saint Helena, Ascension and Tristan da Cunha are associated with, but not part of, the European Union. The Territory is a member of the South Atlantic Territories Cooperation Forum.

VI. Ascension

A. Constitutional and political status

43. The 2009 Constitution for the Territory removed the notion that Ascension was a "dependency" of Saint Helena; but the islands remain part of a single territory — sharing a Governor, Attorney General and superior courts. The new Constitution enshrines the protection of fundamental rights and freedoms and contains enhanced provisions to guarantee the independence of the judiciary from the legislative and executive organs of the Government.

44. For the first time, the existence of an Island Council is recognized in the Constitution, with detailed provision to be made by local ordinance. A new Council was elected in February 2011.

45. In June 2010, the Commission on the Limits of the Continental Shelf denied a claim for a continental shelf area beyond 200 nautical miles submitted by the United Kingdom to the Commission, in respect of Ascension Island, in accordance with the provision set out in article 76 of the United Nations Convention on the Law of the Sea. The Commission concluded that the volcanic pinnacle on which Ascension rests was too slender to generate rights to an extended zone of the submerged continental shelf. The Government of the United Kingdom is considering its response.

B. Economic and social conditions

46. Following a joint meeting between the Foreign and Commonwealth Office/Ministry of Defence team and the Ascension Island Council regarding the right of abode and property ownership on Ascension, in January 2006, the Government of the United Kingdom announced that there would be no change in its policy and that rights of permanent abode and property ownership would not be granted on Ascension. The issue for the Government of the United Kingdom was one of contingent liabilities that could fall on British taxpayers. Legislation underpinning a land and business policy was enacted in June 2008. It aimed at providing a clear and transparent means of determining the allocation and use of land, as well as a framework for the operation of businesses on the island.

VII. Tristan da Cunha

A. Constitutional and political status

47. Executive authority for Tristan da Cunha is exercised by the Governor of Saint Helena, Ascension and Tristan da Cunha. A resident Administrator is appointed by and reports to the Governor. The Administrator is advised by an Island Council, led by the Chief Islander and comprising eight elected members (including at least one woman) and three appointed members. Elections are held every three years. All registered voters over 18 years of age are eligible to vote. Under the new Constitution, the Governor continues to have legislative authority over Tristan da Cunha, but for the first time is constitutionally required to consult the Island Council before making any laws.

48. Tristan da Cunha has its own legislation, but Saint Helena law applies to the extent that it is not inconsistent with local law, insofar as it is suitable for local circumstances and subject to such modifications as local circumstances make necessary. As a last resort, the laws of England and Wales apply. There is one full-time police officer and two special constables. The Administrator also serves as the Magistrate.

B. Economic and social conditions

49. Tristan da Cunha's economy is based on traditional subsistence farming and fishing. Rock lobster is sustainably fished and exported to the markets in Australia, Japan and the United States of America. Work is in progress to access the European Union market. Tourism from occasional passing cruise ships and the sale of commemorative coins and stamps also bring the island significant income. Government income from these sectors is used to fund health, education and other government services. In 2009/10 the Government of the United Kingdom funded the construction of a post office/museum and a police station on the island. The post office/museum hosts a number of tourism services, which generate additional income for the island.

50. A new lobster plant was completed in July 2009, redressing the hardship caused by the burning of the plant the previous year. A new crane arrived on the island in 2011, making repairs to the harbour wall possible.

51. Access to Tristan da Cunha is possible only by sea and is provided primarily by two vessels operated by the South African company Ovenstone, which holds the fishing concession for Tristan da Cunha lobster, and by the SS Agulhas, a research vessel that services a South African weather station on Gough Island once a year. Between them, they visit Tristan da Cunha 10 times a year, operating a passenger and freight service. The journey between Cape Town and Tristan da Cunha takes around seven days.

52. The harbour can be used only when weather and sea conditions are favourable, and cruise ships are often unable to land passengers. The harbour is not deep enough for visiting ships and is vulnerable to sea storms. Further repairs were carried out between January and April 2011 to remedy damage caused in June 2010.

53. Following the installation of an improved telephone network early in 2007, Tristan da Cunha enjoys improved telecommunications. The United Kingdom funds the line rental charge for this service. Telephone services are reliable and available to all households and an Internet cafe offers islanders limited access to the Internet. Further improvements to the island's telecommunications were made in 2011.

54. Until 2008, Tristan da Cunha's expenditures have been substantially higher than its earnings, leading to a serious drain on reserves. Contributing factors include inexperience in financial management, the amount of capital expenditure needed to maintain such a remote and isolated community and the cost of medical services, including offshore medical treatment for islanders.

55. In 2009, the Island Council set out broad strategies to secure the island's financial future. According to the United Kingdom, even with these reforms, the island will very soon become insolvent, unless further drastic measures continue to be taken. In 2011, a thorough review of budgets was undertaken and strict rules on procurement and expenditure were introduced. As a result, the island is forecasting a surplus of revenue over expenditure in both 2011 and 2012.

56. The Department for International Development (DFID) funds the positions of a resident doctor and Head of Public Works, plus annual dental and biennial optician visits. It has also recently funded a resident Chief Executive Officer, whose priority is to reform the Government and improve performance across the public sector. A nurse trainer is due to arrive in 2012.

57. Pupils leave school at the age of 16 and tend to work in the Government or the fishing sector. They have no opportunity to proceed to further education unless they go abroad. The current staff is, by their own admission, poorly trained. There are no trainee teachers in the pipeline. In September 2009, a DFID-sponsored education adviser began a two-year posting on the island.

58. Tristan da Cunha is successfully implementing a number of conservation projects, with help from its partners, including the Royal Society for the Protection of Birds. The Overseas Territory Environmental Programme projects include efforts to remove invasive species from uninhabited islands in the Tristan da Cunha group, and studies on the feasibility of eradicating rodents. There is currently a botanist, funded by the Overseas Territories Environment Programme, carrying out a survey of the plants on Tristan da Cunha. Tristan da Cunha also has a Biodiversity Action Plan to help it to meet its commitments under the relevant Convention.

59. According to the United Kingdom, in March 2011 a bulk carrier ran aground on Nightingale, spilling 1,600 tons of fuel and 65,000 tons of soya. Penguins on both Nightingale and Inaccessible — a World Heritage Site, were affected and the fisheries on both islands were closed. Early indications are that the penguin population was not adversely affected, but scientists are still studying and modelling the long-term impact on the fishery.

VIII. Future status of the Territory

A. Position of the territorial Government

60. Information on political and constitutional developments regarding the status of Saint Helena is reflected under section II.

B. Position of the administering Power

61. According to the record of a meeting of the Special Political and Decolonization Committee (Fourth Committee), during the sixty-sixth session of the General Assembly (A/C.4/66/SR.2), on 3 October 2011 the representative of the United Kingdom said that the relationship of his Government with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wished to remain linked to the United Kingdom or not. Where independence was an option and was the clear and constitutionally expressed wish of the people of a Territory, his Government would help that Territory to achieve it. Where a Territory wished to retain its link to the United Kingdom, his Government would remain committed to its future development and continued security.

62. The speaker went on to say that the Foreign Secretary of the United Kingdom had recently announced the Government's new strategy towards the Overseas Territories. The time was not right to embark on further constitutional change. Rather, his Government was focusing on three practical policy goals: to strengthen interaction between the United Kingdom and its Territories; to work with the Territories to strengthen good governance, public financial management and economic planning where necessary; and to improve the support available to the Territories. The implementation of the new strategy would take different forms in each Territory, and a public consultation exercise had been launched in order to encourage the Territories and other stakeholders to contribute their views on priorities. The outcome of the exercise would inform the white paper on the Territories that the British Government intended to publish in 2012. The British Government was committed to allowing each Territory to run its own affairs as far as possible, which entailed responsibilities and good governance on the part of the Territory. The speaker further stressed that "where high standards of probity and governance were not maintained, the United Kingdom did not hesitate to intervene".

IX. Action by the General Assembly

63. On 9 December 2011, the General Assembly adopted without a vote resolutions 66/89 A and B, based on the report of the Special Committee transmitted

to the General Assembly (A/66/23) and its subsequent consideration by the Fourth Committee. Section IX of resolution 66/89 B concerns Saint Helena, the operative part of which reads:

The General Assembly ...

1. *Stresses* the importance of the Territory's 2009 Constitution;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Requests* the administering Power and relevant international organizations to continue to support the efforts of the territorial Government to address the Territory's socio-economic development challenges, including unemployment, and limited transport and communications infrastructure;

4. *Calls upon* the administering Power to take into account the unique geographical character of Saint Helena while resolving as soon as feasible any outstanding issues related to the airport construction.

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British Virgin Islands

Working paper prepared by the Secretariat

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Note: The information contained in the present paper has been derived from public sources, including those of the territorial Government; and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 11 January 2012. Further details are contained in previous working papers available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: The British Virgin Islands is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor William Boyd McCleary (August 2010).

Geography: Located approximately 100 km east of Puerto Rico and 25 km from the United States Virgin Islands, the Territory comprises a group of some 50 islands, islets and cays that form an archipelago with the United States Virgin Islands. Twenty of the islands are inhabited. The major islands are Tortola, Virgin Gorda, Anegada and Jost Van Dyke.

Land area: 153 km^2.

Exclusive economic zone: 80,117 km^2.[a]

Population: 29,537 (2010 estimate), of which some 19 per cent are citizens, or "belongers". The great majority of "non-belongers" hail from countries in the region, North America and Europe.

Language: English.

Capital: Road Town, located on the largest island, Tortola.

Head of territorial Government: Premier Daniel Orlando Smith.

Main political parties: National Democratic Party; Virgin Islands Party.

Elections: Most recent — November 2011; next — December 2015.

Legislature: 15-member unicameral House of Assembly.

Gross domestic product per capita: $30,282 (2010 estimate).

Economy: Financial services and tourism.

Main trading partners: The United Kingdom, the United States of America and the Caribbean Community (CARICOM).

Unemployment rate: 3.1 per cent.

Monetary unit: United States dollar.

Brief history: The earliest known inhabitants of the Territory were the Arawaks and the Caribs, indigenous peoples of the region. The Dutch established the first permanent European settlement in 1648. British planters took control of the islands in 1666 and the Territory attained the status of a British colony.

[a] Exclusive economic zone data from "Sea around Us" Project, a collaboration between the University of British Columbia and the Pew Environment Group (www.seaaroundus.org).

I. Constitutional, political and legal issues

1. Under the Virgin Islands Constitution Order 2007, the British crown appoints a Governor with responsibilities for defence, internal security, external affairs, public service and the administration of the courts. In the areas of internal security and external affairs, the Constitution provides for the territorial Government to have formal input. There is a reservation for the British crown to make laws for the peace, order and good government of the Virgin Islands. In terms of external relations, the British Virgin Islands is entrusted to negotiate treaties in specific areas such as certain offshore financial matters.

2. The 2007 Constitution led to the introduction of a cabinet-style Government. The Cabinet consists of the Premier, appointed by the Governor from among the elected members of the House of Assembly; four other Ministers, appointed by the Governor on the advice of the Premier; and one ex officio member — the Attorney General. The Governor attends and presides over the Cabinet. The agenda is agreed by the Cabinet Steering Committee, consisting of the Governor, the Premier and the Cabinet Secretary. The House of Assembly consists of a Speaker, the Attorney General (ex officio) and 13 elected members — 9 from one-member electoral districts and 4 representing the Territory at large.

3. General elections must be held at least once every four years. Candidates are elected on the basis of a simple majority. Persons voting must be 18 years of age or over and have "belonger" status. Belonger status includes the right to work without a permit and the right to vote. In practice, a person must reside continuously in the Territory for 20 years before he or she may apply for permanent residence and, subsequently, belonger status. In the general election held on 7 November 2011, the National Democratic Party, at that time the opposition party, won a majority of seats — 9 out of 13. Its leader, Daniel Orlando Smith, became the new Premier. The Virgin Islands Party won the remaining four seats.

4. The law of the British Virgin Islands comprises the common law of England, locally enacted legislation and imperial legislation. Justice is administered by the Saint Lucia-based Eastern Caribbean Supreme Court, which consists of the High Court of Justice and the Court of Appeal. According to the administering Power, there are three resident High Court judges and a visiting Court of Appeal, which comprises the Chief Justice and two judges of appeal and sits twice a year in the Territory. There is also a magistrates court, which hears prescribed civil and criminal cases, as well as a juvenile court and a court of summary jurisdiction. The United Kingdom Privy Council is the final court of appeal. The British Overseas Territories Act 2002 provides for the granting of British citizenship to "British Overseas Territory citizens".

5. Speaking at the Caribbean Regional Seminar, held at Kingstown, Saint Vincent and the Grenadines, from 31 May to 2 June 2011 under the auspices of the Special Committee on Decolonization, the representative of the British Virgin Islands stated, inter alia, that independence was not a matter that was discussed regularly among the people of the Territory, as the arguments in its favour had lost their appeal and the administering Power's action to a large extent fostered the status quo. He added that since the entry into force of the 2007 Constitution, it had become apparent that there was scope for further review of the Constitution with regard to its practical

implementation and the effective operation of the Territory (see www.un.org/en/decolonization/regsem2011.shtml).

II. Budget

6. According to the Government of the British Virgin Islands, the estimated expenditures of the Territory for 2011 amounted to approximately $260 million, including revenues of about $288 million. Expenditures and revenues for 2012 are estimated at $258 million and $287 million, respectively.

7. The Territory collects stamp duties on certain transactions and property taxes; however, there are no income, value added or goods and services taxes. According to the report issued in December 2011 by the Education International Research Institute on behalf of the Council of Global Unions entitled "Global Corporate Taxation and Resources for Quality Public Services", the British Virgin Islands is a jurisdiction with extremely low corporate taxes.

8. Several tax information exchange agreements have been signed by the British Virgin Islands, including with the United Kingdom. According to the administering Power, a tax agreement was signed with the Czech Republic in 2011.

III. Economic conditions

A. General

9. According to information provided by the United Kingdom, the economy of the British Virgin Islands is based largely on offshore financial services, which contribute over half of the gross domestic product (GDP), while tourism contributes about 20 per cent. According to data from the Economist Intelligence Unit, the GDP estimate for 2011 was $1.4 billion, indicating growth of 3.5 per cent. Imports consist mostly of food, machinery and fuel.

B. Financial services

10. According to media reports, approximately 2,900 hedge funds were registered with the British Virgin Islands Financial Services Commission in 2011. According to the aforementioned report issued by the Education International Research Institute, the British Virgin Islands is one of the world's largest corporate investors in China.

C. Tourism

11. In 2011, the tourist sector in the British Virgin Islands continued its efforts to appeal to the high-end traveller. In 2010, approximately 842,000 tourists visited the Territory, including some 501,000 cruise ship visitors, 330,000 overnight visitors and 11,000 visitors. According to the World Travel and Tourism Council, the direct contribution of tourism to the Territory's GDP in 2011 was expected to amount to $276.6 million — about 21.1 per cent of total GDP. In addition, the tourist sector offers about 4,000 jobs, or 24.8 per cent of total employment.

12. In 2011, the Chamber of Commerce and the Hotel Association initiated a $100,000 advertising campaign aimed at attracting more visitors to the Territory. An amendment to the tourist board ordinance granted the tourist board limited authority to raise funds through the sale of souvenirs and other merchandising items. In addition, the territorial Government increased the board's 2011 budget to approximately $15 million.

D. Agriculture and fisheries

13. Agriculture and fishing account for less than 1 per cent of the Territory's GDP. Most food requirements are met through imports. Around 800 ha of land are cultivated, and another 4,000 ha are devoted to pasture. The main crops are fruits and vegetables, produced both for local consumption and for export to the United States Virgin Islands.

14. The Territory's Fisheries Act of 1997 and Fisheries Regulations of 2003 govern small-scale commercial and recreational fisheries, which serve mainly the local market.

E. Communications and infrastructure

15. The British Virgin Islands has more than 200 km of surfaced roads. According to the 2011 Speech from the Throne, the Government of the British Virgin Islands decided to develop a road classification system to help ensure the progressive improvement of the road network.

16. There are three international airports, served by 15 airlines. Direct shipping services operate from the Netherlands, the United Kingdom and the United States. A deep-water harbour is located in Road Town. A regular ferry service links Tortola with some of the islands as well as with Saint Thomas in the United States Virgin Islands. According to the Speech from the Throne, the territorial Government will expand and improve the appearance and functionality of existing port facilities, notably through the building of a new ferry terminal at West End.

17. Physical planning in the British Virgin Islands is governed by the Physical Planning Act of 2004, under which all development in the Territory must be approved by the Physical Planning Authority. According to the 2011 Speech from the Throne, the Government of the British Virgin Islands has found that the absence of planning regulations has limited the effectiveness of the Act. Consequently, it is working on regulations that would replace the Land Development Control Guidelines 1972 and address such areas as the procedures for environmental impact assessments, the regulation of the subdivision of land and the preservation of buildings and sites.

IV. Social conditions

A. Labour and immigration

18. The labour force of the British Virgin Islands comprises approximately 30 per cent local workers and 70 per cent expatriate workers. The main employers are the

territorial Government, financial services and the tourism and construction sectors. Small businesses provide approximately 50 per cent of the jobs in the Territory.

19. Unemployment increased throughout 2010, particularly among youth. According to the 2011 Speech from the Throne, the development of a national youth policy is a priority of the territorial Government. According to media reports in 2011 the Ministry of Education and Culture invited unemployed youth between the ages of 18 and 30 to register online with a youth unemployment register. The register is expected to help the Government assess the status of disadvantaged and unemployed youth and serve as a medium to support young workers while integrating youth into the labour market.

20. Work permit exemptions are granted by the territorial Government on the basis of enrolment in the school system — entrance at the primary level and completion at the secondary level — marriage to a belonger for a period of not less than three years and residency in the Territory of the British Virgin Islands for 20 years or more by a person who has demonstrated good character. The number of exemptions granted is considered on an annual basis.

B. Education

21. According to the 2011 Speech from the Throne, when the Education Act was passed in 2004, it was intended that related regulations would follow. Extensive consultations on such regulations were held with stakeholders for a review of recommendations in 2011/12. The regulations are expected to provide guidance to the education system and its stakeholders regarding the implementation of programmes and services, the monitoring of the delivery of education programmes operated under the Act, and the conduct of school supervision, including complaint investigations requested by the public.

22. Primary and secondary education is free and compulsory for children between 5 and 16 years of age, and "A-level" education is also free in the British Virgin Islands. There are public and private primary and secondary schools on Tortola, Anegada, Virgin Gorda and Jost Van Dyke. According to the Government of the British Virgin Islands, in 2011 the Territory's secondary-school enrolment rate was between 80 and 90 per cent. The comprehensive H. Lavity Stoutt Community College at Paraquita Bay offers university-parallel, technical-vocational and adult continuing education programmes.

C. Public health

23. According to the Government of the British Virgin Islands, infant mortality is very low and life expectancy is high, at about 80 years. The Health Services Authority of the Territory, an autonomous corporate body, was established in 2005 to manage all public health-care delivery services for the Ministry of Health and Social Development.

24. According to media reports, in 2011 the design of the national health insurance system was under way, with three phases already completed. The Cabinet had decided that the system would be administered as a new division of the Social Security Board.

25. According to the 2011 Speech from the Throne, the territorial Government recognized the need to improve the standard and delivery of mental health services throughout the Territory. To that end, a review of the mental health system was conducted in the light of modern advances in the field of psychiatry and relevant international human rights commitments and obligations, with assistance from the Pan American Health Organization.

26. The United Nations Children's Fund provides general background information with respect to the British Virgin Islands in its draft Eastern Caribbean multi-country programme document.

D. Crime and public safety

27. During 2010 and 2011, the British Virgin Islands Government, with support from the Royal Virgin Islands Police Force, continued to address violent, organized and petty crime in the Territory. Further, according to the 2011 Speech from the Throne, the territorial Government is determined to maintain a transparent financial services industry, including with respect to the registration and monitoring of non-profit organizations and Non-Governmental Organizations to deter their use as vehicles for terrorist financing.

28. In its October 2010 report entitled "Money Laundering Using Trust and Company Service Providers", the Financial Action Task Force, an independent intergovernmental body that develops and promotes policies to protect the global financial system against money-laundering and terrorist financing, provided general background information on money-laundering with respect to the British Virgin Islands. In a 2011 World Bank staff report entitled *The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do about It* presented information on past grand corruption cases, including some involving the Territory.

29. With regard to security matters, the administering Power decided in 2011 to deploy a specially equipped Royal Fleet Auxiliary to support disaster relief and counter-narcotics programmes in the Caribbean overseas territories of the United Kingdom, as part of the implementation of decisions reflected in its 2010 Strategic Defence and Security Review.

E. Human rights

30. In 2011, a national policy on gender equity and equality was developed. Some of the objectives include the education and change of public attitudes on gender roles and responsibilities and the development of new strategies to eliminate domestic and other forms of gender-based violence and discrimination in the Territory.

31. The following major human rights conventions have been extended to the British Virgin Islands: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the

Elimination of All Forms of Discrimination against Women and the European Convention on Human Rights.

V. Environment

32. The British Virgin Islands has acceded to several multilateral environmental agreements, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Biological Diversity and the Convention on Wetlands.

33. The Conservation and Fisheries Department of the Territory's Ministry of Natural Resources and Labour is responsible for the sustainable management of the Territory's natural resources. Adapting the Territory to climate change and the multiple threats it poses to terrestrial and marine life are important parts of the Ministry's mandate. Under the auspices of the Review of the Economics of Climate Change in the Caribbean project, the Department in 2011 hosted a technical training workshop facilitated by the Economic Commission for Latin America and the Caribbean (ECLAC) on climate change and its economic impact on the marine and coastal areas of the British Virgin Islands. Under the Comprehensive Disaster Management Work Programme, a workshop was held in 2011 to develop climate-smart work programmes and to identify existing and alternative adaptation options for the Territory.

34. In January 2012, the Department for Environment, Food and Rural Affairs of the United Kingdom issued a paper entitled "The environment in the United Kingdom's overseas territories: UK Government and civil society support" on the advice and support available to the Territories in areas of its competency, and highlighted the availability of departmental funds for that purpose.

VI. Relations with international organizations and partners

35. The British Virgin Islands has associate membership in ECLAC, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization.

36. The Territory is an associate member of CARICOM, the Caribbean Common Market, and the Organization of Eastern Caribbean States and is a borrowing member of the Caribbean Development Bank. A joint observer mission was organized by CARICOM and the Commonwealth Parliamentary Association in connection with the 2011 general elections.

37. As a Non-Self-Governing Territory of the United Kingdom, the British Virgin Islands is associated with the European Union but is not a part of it.

38. In 2011, the Premier of the British Virgin Islands and the Governor of the United States Virgin Islands participated in the fourth meeting of the Inter-Virgin Islands Council, which was held for the first time at the level of heads of territorial Governments. According to official sources, a memorandum of understanding was signed with law enforcement agencies in the area of ballistics. Internal reports were received on law enforcement, disaster preparedness, the scope for cooperation on inter-island transportation and fisheries management. Both Territories pledged to

continue and strengthen cooperation through the Council. The next meeting is scheduled to be held in the United States Virgin Islands in 2012.

VII. Future status of the Territory

A. Position of the territorial Government

39. The position of the territorial Government regarding the future status of the British Virgin Islands is reflected above under section I on constitutional issues.

B. Position of the administering Power

40. According to the record of a meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-sixth session of the General Assembly (A/C.4/66/SR.2), on 3 October 2011 the representative of the United Kingdom said that the relationship of his Government with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wished to remain linked to the United Kingdom or not. Where independence was an option and was the clear and constitutionally expressed wish of the people of a Territory, his Government would help that Territory to achieve it. Where a Territory wished to retain its link to the United Kingdom, his Government would remain committed to its future development and continued security.

41. The speaker went on to say that the Foreign Secretary of the United Kingdom had recently announced the Government's new strategy towards Overseas Territories. The time was not right to embark on further constitutional change. Rather, his Government was focusing on three practical policy goals: to strengthen interaction between the United Kingdom and its Territories; to work with the Territories to strengthen good governance, public financial management and economic planning where necessary; and to improve the support available to the Territories. The implementation of the new strategy would take different forms in each Territory, and a public consultation exercise had been launched in order to encourage the Territories and other stakeholders to contribute their views on priorities. The outcome of the exercise would inform the white paper on the Territories that the British Government intended to publish in 2012. The British Government was committed to allowing each Territory to run its own affairs as far as possible, which entailed responsibilities and good governance on the part of the Territory. The speaker further stressed that "where high standards of probity and governance were not maintained, the United Kingdom did not hesitate to intervene".

C. Action by the General Assembly

42. On 9 December 2011, the General Assembly adopted without a vote resolutions 66/89 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/66/23) and its subsequent consideration by the Fourth Committee. Section IV of resolution 66/89 B concerns the British Virgin Islands, the operative part of which reads:

The General Assembly ...

1. *Recalls* the Constitution of the British Virgin Islands, which took effect in 2007, and stresses the importance of continued discussions on constitutional matters, to accord greater responsibility to the territorial Government for the effective implementation of the 2007 Constitution;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 b of the Charter of the United Nations, and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Welcomes* the efforts made by the Territory to strengthen its financial services regulatory regime and to seek new, non-traditional markets for its tourism industry;

4. *Also welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

5. *Further welcomes* the holding, for the first time at the level of heads of territorial Government, on 12 May 2011, of the meeting of the Inter-Virgin Islands Council between the Territory and the United States Virgin Islands.